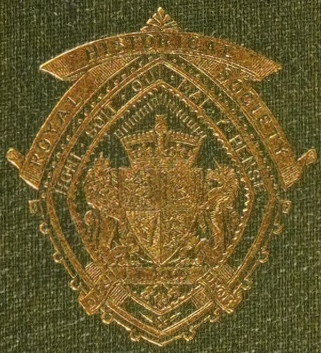
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PRESIDENTIAL ADDRESS

By Professor Sir C. W. C. Oman, M.P., K.B.E., F.B.A.

Delivered 10 *February*, 1921

SOME MEDIÆVAL CONCEPTIONS OF ANCIENT HISTORY

It has been the laudable and most natural custom of my predecessors in this Presidential Chair to deliver as their swan-song of farewell to the Society a prophecy or forecast of the progress of Historical Study in the future, setting forth the many fields of historical knowledge that remain yet unconquered, and describing how best the attack on the *terra incognita* may be conducted. This is a worthy ambition: and no doubt such addresses may, from time to time, have set some newly-joined member of the Society on the track of some line of research where his energies have been well employed. But being myself too modest to assume for your benefit the rôle of prophet and guide, I have thought it worth while to-day, for the sake of variety, to ask you to look backward rather than forward, and to contemplate history as it presented itself to our ancestors, rather than as it will present itself to our successors. I shall be able to give only a very slight sketch of

a very large subject, and will ask beforehand for the pardon of the Society for the many sins of omission which I am going to commit. To attempt to deal in an hour with the historical perspective of long centuries would be an over-ambitious task, if one endeavoured to deal with it in too minute and complete a fashion.

I have called the subject of my address "Mediæval Conceptions of Ancient History". Perhaps I should begin by explaining that professional historians were few in the Middle Ages, and that to a large majority of men the word Greece would suggest nothing, and the word Rome not very much. I imagine that it probably brought up three ideas—namely that our father the Pope lived there, that once upon a time there had been a long series of Roman emperors much given to putting the Saints to death in more or less barbarous ways, and that in some fashion or other (on which only the learned could have views) the pre-eminence of those ancient heathen rulers of the world had descended to the continental prince now bearing the title of Roman Emperor, whose possible claims to recognition in England all good Englishmen must deprecate, as Humphrey of Gloucester did in 1416. There was a vague memory in most parts of Christendom that the Romans had once been spread over all the Western world, and had reared those great buildings, monuments, and public works of which traces were scattered everywhere. In many cases the magnitude of them seems to have so much impressed the simple mediæval mind, that they were believed to have been executed by no mortal hand, but by magic or the powers of evil. Examples of this are the Roman road in Northumberland which came to be called the "Devil's Causeway", and the long rampart which shut off Rhaetia and the Agri Decumates from inner Germany, which Suabians and Bavarians called the "Teufelsmauer". But often the tradition of Roman origin had grown so loose that the great works of the Flavians or the Antonines became ascribed to some native hero, or heroine, or semi-divine character, of

the conquering races that followed the old civilization, like the *Chaussée de Brunehaute* in Belgium, or the Watling Street and Ermyn Street of England.

But I am dealing to-day not so much with Roman memories enshrined in folk-lore and the popular tradition, as with those to be found in books—giving the impression which ancient history left upon the educated and literary classes of the thirteenth, fourteenth and fifteenth centuries.

The first characteristic which strikes us in the mediæval author's knowledge of ancient history, is that it was nearly all composed of second-hand information. Of course the original sources for Greek history were practically closed, by the fact that the Western world was almost entirely ignorant of the Greek language down to the fifteenth century. Men like John of Salisbury and Bishop Grossetête may have had a smattering of it. But, as it chanced, the historians seem to have been one and all destitute of the linguistic knowledge which would have enabled them to go to Herodotus, Thucydides, or Xenophon, if manuscripts of those authors had been forthcoming. All information about classical Greece comes through Roman epitomes of second-rate value. And with regard to Roman history, where language was no bar, it is not too much to say that the Middle Ages had no criterion of the relative importance of sources. Though they might possess Livy and Cæsar—Tacitus was little known—they relied far more on compilations and epitomes, such as Orosius (first and foremost), Justin's abbreviation of Trogus Pompeius, or the lives in Cornelius Nepos. These were the staple foundation of those who wrote on ancient history, but they were supplemented by a profusion of anecdotes picked from the most various sources, from the legends of the Saints, Josephus, Aulus Gellius, Valerius Maximus, Augustine's *de civitate Dei* (which supplied many a story), and in England at least (though not abroad) from Geoffrey of Monmouth's astounding inventions, which by the aid of ill-digested Welsh folk-lore upset three centuries of real Roman history.

Now even from such authorities a historian with a good critical instinct could have written a more or less correct outline of ancient history, more especially of that of Rome, though so many primary sources now available to us were not in his power to discover, and although he had much worthless material at hand which we have learned to reject. But unfortunately good critical power was just what the average mediæval historian lacked. It seems that all written books had equal authority for him, and that he had not the *flair* to differentiate the good from the bad, —secondary from primary information. Indeed right down into Renaissance times this was one of the weak points of the scholar—as is well realised by all who remember how many of the early printed books are editions of authors whom we now regard as of very third-rate importance. Occasionally I have found even obvious works of ancient fiction quoted by a mediæval writer, as if they were historical evidence—in the Polychronicon Apuleius' story of the Golden Ass is seriously cited as evidence for the perfection to which in ancient days the art of witchcraft had been carried! The consequence of this want of discrimination and historical perspective was that tales out of the Æneid were treated as being no less grave history than tales out of Josephus, and that the pseudo-Callisthenes received as much respect as a source for the history of Alexander the Great as did Justin or Orosius. Plutarch and Arrian, not being in Latin but in Greek, were of course not available for the history of the Macedonian conqueror.

Any one who looks through a mediæval history of the world will be struck, first and foremost, by the fact that the historians of those days had no dividing line between legend and authentic history. Cadmus was just as real to them as Philip of Macedon; Romulus as the Emperor Vespasian. The tales of the early gods and heroes did not immediately betray their mythical character to the mediæval chronicler, as they do to us, by abounding in marvellous tales, in hydras and dragons, Cyclopes and Centaurs and Satyrs,

and wolf foster-mothers. Such marvels the man of the fourteenth century was quite ready to digest and reproduce, and put in their due place in classic annals. The reason was that he could produce tales exactly parallel to them from his own legendary period, the Age of the Saints, the first four centuries after Christ. If St. George had slain a dragon, why should not Cadmus have done the same? If Hercules was said to have fallen in with the Satyrs, had not St. Anthony met and conversed with one in the Theban Desert? If St. Patrick and St. Hilda had turned noxious reptiles into stone, might not Perseus have done the same to the sea monster when he rescued Andromeda? Simon Magus had flown through the air by his spells—as we see him pictured in many a *predella*—till dashed down by the exorcisms of St. Peter. Was it then impossible that Medea, by equally wicked arts, had performed the same feat? Why should any one disbelieve in harpies and syrens, chimæras and minotaurs, when (as every one knew) there were one-eyed men in Africa, and gryphons in India, and all kinds of monstrous blends of man and bird and beast in the extreme East of Asia, such as the lively imaginations of the compiler of the Hereford *Mappa Mundi* and the illustrator of the pseudo-Mandeville have left portrayed for us. The merely marvellous and monstrous in those days aroused no suspicion in the historian's mind, and was accepted without criticism.

There was, however, one side of all the old classical legendary tales which compelled the mediæval chronicler to exercise in a more or less acute fashion his critical faculty. This was the habitual appearance in ancient tales of the heathen gods and goddesses as distinct and divine personalities. Of course Christian faith distinctly precluded the acceptance of these divinities as gods—the ten commandments rule them out. What then was to be done? The story of Hercules or Romulus appeared to rest upon just the same authority as that of Alexander the Great or Julius Cæsar. Probably then there was some foundation

for it, though it had got down to posterity in the wrong shape.

Now there were two ways in which he might discover an explanation that sufficed him as to the real origin of such matters. Firstly it was quite possible that the incidents occurred much as they had been related, but that the supernatural element in them had been attributed to a wrong cause. For though it was not permitted by the Christian faith to think of Jupiter or Apollo or Venus as gods, there was no objection to regarding them as devils. This view is often to be found in lives of the early saints, where we find stories of temples or statues shattered by a dragon or demon flying out of them in rage and despair, when conjured by the apostle or martyr who has been challenged by kings or priests to oppose the power of the Christian's God to that of their own local divinity. Many of you may remember early Italian pictures in which St. Philip is deconsecrating the temple of Mars in this fashion, with a monstrous snake-like devil taking his unwilling departure But the best story that I know of the kind is in the life of St. Gregory Nazianzen, who belated in travelling took refuge in a dark portico, which at morning light proved to be that of an oracular temple of Apollo. The oracle that day refused to perform at all—the priests discovered that a Christian priest had slept in the shrine, and sent for the saint, to bid him take off the ban which he had unwittingly placed upon the utterances of their god. Gregory did not—as we might perhaps have expected—refuse the request, but, after warning them of the wickedness of their practices, wrote a short epistle, and bade them lay it on the tripod. The epistle ran, "Gregory to Satan: you may re-enter". When it was placed on the tripod, the inspiration returned at once to the priests, and the machinery worked as usual. From which we can only conclude that Apollo was Satan, as it would seem: or at any rate that Satan had control of Apollo, as a minor demon. The odd legend of the "Ring given to Venus" distinctly makes Venus a satellite of the

principle of evil, who is seen walking behind the car of the great master of all bad spirits. But I take it that the Venus of the Tannhäuser legend is rather an old surviving nature-power of lust and luxury, than a mere instrument of the Christian Satan.

An odd variant in the treatment of the classical supernatural by the mediæval mind is a theory that magicians sometimes personated the heathen gods for their private ends. The most typical instance of such a case is that of Nectanebus, King of Egypt, as he appears not only in the *Romance of Alisannder*, but in the sober pages of the chronicler Higden. This monarch was truly learned in all the wisdom of the Egyptians! And before he took to imitating the gods he had performed some extensive magical operations to the detriment of the navy of Artaxerxes Ochus, King of Persia. *Per carmina magica*, we are told, *et per figmenta fantastica*, he composed waxen images of the whole Persian fleet, which he set afloat in a bowl, and then sank by blowing into the water with a magic pipe of ebony. This proceeding had the effect of raising a storm in the Levant, by which the whole of the Great King's ships were wrecked. What would not modern admiralties give for the secret of this device! But being finally driven out of Egypt, he unexpectedly manifested himself at the court of Philip of Macedon, when he suddenly appeared to Queen Olympias amid thunder and lightning, with ram's horns upon his head, assuming the character of Jupiter Ammon, because as an African he had a preference for an African god! Hence came the universal belief that Ammon had been the parent of Alexander the Great.

But there was another way of dealing with the classical divinities which was decidedly more popular. It was much more respectful to an ancient historian to believe that he had been misled by popular exaggeration and rumour, than that he had been deceived by devils or art-magic. This was the method quite familiar to the ancients themselves, and generally associated with the name of Euhemerus, the sceptic

of the Cyrenaic school, who in his Ἱερὰ Ἀναγραφή reduced all the gods into historical characters, whose doings had been distorted by tradition. I do not suppose that any mediæval chronicler knew the name of Euhemerus—but his method was freely used. This produces some grotesque results: in a tabular chronological arrangement which synchronizes biblical and classical history, we find, in the same year as Abraham's descent into Egypt, the note "at this time there appeared near Lake Tritonis a virgin called Tritonis, who was also named Pallas from a giant whom she had slain—she invented the art of wool-weaving, and was therefore hailed as a goddess by the heathen". And so in the same way we find *Liber qui et Bacchus* flourishing in the time of Ehud, Mercury in that of Gideon, and the death of Hercules—by falling into the fire while in an epileptic fit—in that of Tola the son of Jair. Jupiter appears as a King of Crete, who drove out his father, King Saturnus. He was a mighty conqueror at large, *et quia bellicosissimus et scleratissimus fuit, a Græcis deus est vocatus.* In the same way Pluto was a cruel and gloomy king of the Molossians, who used to imprison travellers in an underground dungeon; and Apollo a celebrated physician and archer. To call a man a son of Jupiter, Mars, or Apollo, merely meant to express in hyperbolical terms the fact that he was a person of great powers, bodily or mental. And thus the whole of the ancient classical legends can be reduced to workaday history!

When, therefore, by a rough calculation of generations the old myths had been fitted into a chronological table, they could be written down as excellent history, parallel to the Old Testament story from Abraham to Eli. After this had been done, it became an easy matter to deduce that it was absurd to make one god pervade the whole period. "How", asks Higden, "can Epaphus have been the son of Jupiter and Io, when the latter was contemporary with Isaac, while Jupiter is primarily connected with Europa, who lived in the time of Joshua, several centuries later?"

Why the connection of Jupiter with Europa should be more convincing than his connection with Io, passes my wit to tell: but Higden knew. I may here remark that when dealing with the Trojan legends, Vergil is always followed—with occasional hints from Geoffrey of Monmouth, that great source of errors. The mediæval version is therefore always grossly unfair to the Greeks—Homer and the great tragedians being of course utterly unknown. So we get a very Trojan version of the whole affair—generally ending with the migration of Brutus, that well-known kinsman of Æneas, to the Britain on which he bestowed his name.

When we get out of the time of legends, Greek history becomes a scrappy collection of tales of great men,—the outline from Orosius, the details from third-hand anecdotic people like Cornelius Nepos. Of course Herodotus, Thucydides and Xenophon were all unknown as sources. The importance of the Persian wars is vaguely adumbrated, but the ground-knowledge of the period is so faulty that, for example, the author of the *Eulogium Historiarum* consistently calls Leonidas of Thermopylae the King of the Athenians! There is a heterogeneous string of tales about tyrants and philosophers, notably Socrates, Diogenes the Cynic, Zaleucus, Plato, and Dionysius of Syracuse, drawn from Aulus Gellius, Valerius or Isidore. But most of these anecdotes do not partake of the marvellous or supernatural, and we think (vainly!) that we are out of legendary times and touching firm ground of real history.

This is a vain delusion: Alexander the Great is yet to come, and with him we are plunged once more into a period of wild tales, as astounding as those about the early gods and heroes. For the vain legends chaotically mixed up with the realities of his eventful life, one source appears to be mainly responsible—the book generally known as Pseudo-Callisthenes. There was, of course, a real Callisthenes [I do not mean an ingenious modern gentleman whose name is familiar to us all in connection with Oxford Street], an unfortunate philosopher who came to a dreadful

end for crossing Alexander when he was in one of his fits of oriental megalomania. But the astonishing work more usually known by this name was a collection of folk-tales and anecdotic adventures, compiled apparently at the Byzantine Court, and permeated with Persian as well as with Greek influence, which was very popular in the West from the time of the Crusades onward. Most chroniclers borrowed from it freely as a historical source—though in the shape of the *Romance of Alisannder* it was also current as more or less acknowledged fiction. The King's life is touched with Christian, as opposed to classical, allusions in some parts, e.g. when Alexander reached the Gates of Caucasus [not far from Baku] he found waiting outside them the ten lost tribes of Israel, who requested his permission to return to Palestine. But hearing from the high-priest Jaddua at Jerusalem of the wickedness and idolatry which had caused their exile, he refused them leave to pass, and bricked up the Caucasian Gates with a great wall. The moment he got east from Caucasus, he came into the land of marvels—he received a visit from Thalestris, the Queen of the Amazons, who prevailed upon him to refrain from invading her country. When getting near India, he came on the talking trees sacred to the Sun and Moon, who prophesied many things to him—among others that he should die if ever he entered Babylon. Further on, he came to the land of the gryphons, and having caught several of the winged monsters, made an unfortunate experiment in aviation, on a car drawn by four of them, which nearly ended his life.

It is interesting to find that he took with him throughout his campaigns the philosopher Aristotle, as a sort of combination of intelligence officer, engineer and magician. The name philosopher had acquired in the Middle Ages a sort of secondary meaning which often amuses us. It was a general idea that philosophers as a class had always been addicted to dabbling in the Black Arts. Any acquaintance with natural phenomena or mechanical devices was in the Middle

Ages liable to lead to a suspicion of nigromancy. For astronomy was hardly distinguishable from astrology, spells were supposed to be part of medicine, and any successful application of mathematics or mechanics to daily life was thought uncanny. So when the mediæval writer ran across a philosopher in ancient history, he at once suspected him of being a magician. Socrates suffered heavily in reputation because of his little inhibitory *δαιμονίον*—the personalised conscience which warned him against dishonourable acts or thoughts. In the chroniclers it became a very concrete familiar spirit: "*Socrati comes et instructor fuit daemon quidam*", as we are told, and it taught him strange knowledge. He was once sent for by Philip of Macedon to ascertain the reason for a certain district of Macedonia being unhealthy, and discovered by the advice of his spirit, and some operations with reflecting mirrors, that the cause of it was the pestilential breath of two dragons who dwelt there. They were killed by a wily trick, and the region became habitable. Alas, that Socrates was not forthcoming when the British Army suffered so heavily in 1917 from the poisonous exhalations of that Macedonian lake Tachinos, which gave it so many thousands of malaria-casualties! But Aristotle was a much better-known figure than Socrates, and has a whole romantic history to himself, involved with that of Alexander. He is said to have been the child of one of those spirits which are called *incubi*, because of the marvellous powers of his body and mind. As an example of his arts, we read that when Alexander was besieging a certain oriental city, many of his soldiers fell dead without any visible wound. He called together his philosophers to investigate this distressing phenomenon. Aristotle replied that "they die because on the walls of this city is a basilisc, whose look infects them, and they die suddenly because of the death-dealing power of his eyes". A simple remedy was at once devised by the philosopher, who ordered a very large mirror to be paraded before the walls. The basilisc's curiosity was roused—he

looked out into it, and perished at once, slain by the reflection of his own death-dealing glances. And so the city, deprived of its strange protector, fell without further trouble. I am sorry to say that the moral character of the Stagirite suffers sadly in these romances—there is a weird tale of the indignities to which he was subjected by his mistress—of which you may sometimes see a representation in early Renaissance pictures. When Aristotle died he was interred together with his books of magic in a tomb constructed by himself, and guarded by a spell which prevents any one from being able to approach the place. We are, however, assured that in a future age Antichrist will discover a way into the tomb, and by means of the knowledge of the Black Art contained in the books will make himself for a time master of all the world.

Alexander the Great perished, poisoned by his generals Antipater and Cassander, who prepared for him a draught of such acid and caustic properties that no metal or earthenware cup could hold it, but only a receptacle of horn made from the hoof of a horse. They drugged their master with it at a feast, and his inner parts being burned up, he died immediately. With his end comes a very dry section of ancient history, where the late Roman epitomists direct the narrative, with occasional help from the pages of Josephus, and Livy. The only really startling legend that I know of attributed to the period of the decadent Macedonian empire is that of Apollonius, Prince of Tyre, from which was drawn the plot of the "Pericles" attributed to Shakespeare. It first appears in the Pantheon, or Universal Chronicle, of Godfrey of Viterbo, and may be found at length in that strange collection of pseudo-historical gleanings, the "*Gesta Romanorum*".

We can now turn to the mediæval views of *Roman* history. Of course for the beginnings of the Roman state the mediæval chronicler had a splendid and most authentic authority—the Æneid, taken very naturally as a versified chronicle of primary importance. But there was

much useful information also to be picked up from the first book of Livy. And it may be noted that the tale of early Rome is often told in strict parallelism with the tale of early Britain, ruled like Rome by kings of undoubted Trojan descent, whose eventful reigns could be excerpted from Geoffrey of Monmouth. In early Roman annals there is by no means that constant and persistent interference of divine personages with the course of events which is to be found in the mythical age of ancient Greece. The supernatural incidents of the Æneid—the strife of Juno and Venus, —can be cut out without any injury to its plot. Still gods and marvels do occur, but they could be dealt with after the manner of Euhemerus, e.g. the story of the divine parentage of Romulus and Remus can be simply explained in a light not very favourable to Rhea Silvia. Numa's visits to the nymph Egeria are simply consultations with a "wise woman", they were common enough in the Middle Ages—and so forth. Some odd side-issues, however, get into early Roman history from an unexpected source—local folk-lore. There had grown up a whole series of legends concerned with the shattered monuments of ancient Rome, which pilgrims visited, and concerning which *cicerones* had devised tales so popular that they gradually invaded history. The one concerning Trajan and the unfortunate widow, mentioned by Dante, and sometimes illustrated in Renaissance pictures, seems to have originated from the same statue which now adorns the Capitol steps, though in the Middle Ages it stood near the Lateran. This equestrian figure of Marcus Aurelius—an admirable portrait—seems to have had before it in its original surroundings a small kneeling figure, since removed when it was remounted in its present position in the sixteenth century.

Now, oddly enough, the statue got wrongly identified, not only with the Emperor Trajan, and also with the Emperor Constantine, but (what is really astounding) with the early republican hero Marcus Curtius, the man who leaped into the supernatural abyss which opened in the Forum.

Hence we get the following tale. Rome was once besieged by a tyrant, a king of Messina, who had subdued all Italy, not so much by his arms, for he was small in stature, almost a dwarf, but by his skill in Art Magic. For he laid on his enemies a spell which made them unable to lift a weapon or strike a blow. No man could hurt him. When the city was in these straits, a young man named M. Curtius discovered a way out of the difficulty: the spell did not affect animals. Having discovered that the tyrant was wont to go every morning to a secret place, apart from his army, to renew his spells, he rode out secretly at dawn, caught the enemy unawares, and trampled him to death under the hoofs of his horse. The Romans in honour of Curtius put up this statue, representing him in the act of riding down the quailing sorcerer. Here it is easy to see that the legend is made to explain the statue: but what is not so easy is to see how it came to be connected with Curtius —save indeed that there are horses in both the stories. But here comes in the oddest part of the tale—some one rightly identified the statue as that of Marcus Aurelius; but the only result of this was that in some versions of the story the name of the philosophic emperor is substituted for that of the republican hero, and he is credited with the heroic leap into the burning gulf.

The perfectly ludicrous form in which the story has taken shape in that egregious collection of anecdotes, the *Gesta Romanorum*, is as follows: "In the midst of Rome a chasm opened, which no human efforts could fill. The prophets consulted the oracles, and found that unless some man should voluntarily commit himself to the abyss it would never close. Proclamation was made inviting a man to sacrifice himself for the general good, but with no effect till a knight named Marcus Aurelius said, 'If you will permit me to live as I please for the space of one year, I will at the end cheerfully surrender myself to the yawning chasm'. The Romans assented with joy, and Aurelius indulged for that year in every wish of his heart. Then

remounting his noble steed he rode furiously into the gulf, which immediately closed over him". I should much like to know what would have been the real Marcus Aurelius' conception of a pleasant "year off".

But to return to early Roman history. When we read of the sack of Rome by the Gauls, we are rather surprised to find that they were not Gauls at all, but Britons. Their leader, Brennus, was ignorantly supposed a Gaul by the Italians, merely because he came over the Alps. He was really a British prince, the brother of King Belinus, who is best known to the mediæval chronicler from his having left his name to Billingsgate, in London. Expelled for rebellion by his brother, Brennus and his band wandered through the West, picking up recruits here and there, and finally ended by sacking Rome and setting up "Cisalpine Gaul" as a British colony. It was rather unfriendly of him to attack the Romans—since he and they descended from two Trojan cousins—Æneas, and Brute the conqueror of Britain.

Owing to the impudence of Geoffrey of Monmouth, the father of all this British pseudo-history, we regularly find the uncouth names of fictitious kings of the house of Brutus the Trojan cropping up in the chronology of universal history for some 900 years before Christ, among the kings of Judah and the consuls of the Roman Republic. The wars of Ahab with Benhadad of Syria are agreeably sandwiched in among the woes of King Lear; Xerxes and Aristides were not far from contemporaries of Molmutius Dunwallo, Britain's first legislator, and King Lud (who has left his name to Ludgate Circus and Ludgate Hill) might have paid a visit to Sulla, if his inspirations had taken him on the same path as the adventurous Brennus.

Later on, the Biblical tradition, and excerpts from Josephus, impinge in many places on Roman history. Pompey the Great, we are assured, lost his good fortune on the day when he persisted in entering the Holy of Holies at Jerusalem, despite of the protests of the High Priest. But Cæsar was, of course, a much more eligible subject

for mythical adornments. Was there not even a "Romance of Julius Cæsar"? All the portents which attended his career are carefully recorded—including the gigantic phantasm which opposed him as he crossed the Rubicon. But perhaps the oddest is a statement that after his death, though he had been killed by more than twenty dagger-thrusts, his body did not show the mark of one single wound. As Cicero was a contemporary of Cæsar, I may mention that his name Tullius being confused with that of Tullus Hostilius fourth king of Rome, it is recorded of him by Higden that he was a Volscian by birth, who was wholly illiterate in his youth, and tended the flocks of the Roman people on lonely hills. Beside his dealing with the conspiracy of Cataline, and certain sarcastic epigrams, which have drifted down from early epitomists, the most interesting thing that I can find about him is that he had a wonderful power of penmanship, and wrote the whole of the *Iliad* in such small compass that the manuscript could go into the shell of a walnut! *

With the coming of the Roman Empire we get into a very peculiar atmosphere. The problem that presented itself to many mediæval minds—for example to that of Dante—was whether Julius Cæsar was to be considered the first legitimate Emperor of Rome, the starter of the great series of names which theoretically ran down to Frederick of Hohenstaufen and Henry of Luxemburg, and which was surrounded with a halo of time-honoured glory—or whether he was not a military usurper who had destroyed an ancient constitutional republic. Dante evidently opted for the former view, as a consistent Ghibelline: since he placed Brutus and Cassius as traitors in that innermost and hottest corner of his Inferno, the mouth of Satan himself. But there was a strong tendency of the other kind in the air—some regarded Brutus and Cassius as tyrannicides and vindicators of liberty, and Cæsar as an ambitious person who met a deserved fate. It had been the view of the Roman senate—and became again the view of mediæval republican Italy,

* Is this tale suggested by his Shorthand system ('Tironian Notes')?

where emperors and tyrants were the foes of civic liberty, and civic patriotism was the ideal.

In the reign of Augustus Our Lord was born, and in consequence we have from his time onward a new series of sources which were at the disposition of the mediæval chronicler—the Apocryphal Gospels and the Lives of the Saints. From these come a series of anecdotic episodes, which, when absorbed into the general flow of the Roman annals, produce some amazing variants on received history. Augustus, as several famous Italian pictures show us, received a visit from the last authentic Sibyl, who showed him the Virgin and Child in a vision. At the same time a magic statue that was to stand till the Lord of all the World was born, fell to pieces, and a miraculous fountain of oil sprang from the earth on the Janiculum. The emperor did not live long enough after to see the development of the divine career of which such early information was thus divulged to him. And we need not modify our views as to his character or reign from the new lights vouchsafed to us.

But when we approach Tiberius, we must cast away all our preconceived ideas drawn from Tacitus and Suetonius. He was the wisest and justest monarch that Rome ever saw, according to the Gospel of Nicodemus, a primary authority for his reign, but was afflicted with a sore disease, scrofula or leprosy. Now when Pontius Pilate had permitted Our Lord to be put to death, he was stricken with fear and remorse, and sent an account of the whole matter to the emperor, together with the seamless coat of Christ. Tiberius was much affected by the letter, but no sooner had he handled the Holy Coat than his disease left him. Recognising the miracle, he at once acknowledged the divinity of Our Lord, and sought to place his statue among those of the gods in the Pantheon. This was strenuously resisted by the senate, whose obstinacy so provoked the emperor, that "*in senatum saevissime grassatus est*". He slew many recalcitrant magnates—in revenge for this the later

Pagan writers have vilely maligned him, and represent him as drunken, profligate and cruel. His end followed not long after—one night as he walked by the temple of Isis on the river's bank, he fell in, or perhaps was pushed in by conspirators. This, we read to our astonishment, is the incident from which the river Tiber got its name. We are not informed what was its earlier appellation—nor how Livy and Cicero, both accessible authorities, persisted in calling it Tiberis before Tiberius was born.

Though the chronology may seem strange, and the parentage surprising, Vespasian, we are assured, was a prince of Galatia during the reign of Tiberius. His early experiences with regard to Christianity supply a curious parallel to those of his sovereign. One of the early Apostolic teachers preached at his court: he was converted and baptised. Now Vespasian had from his infancy been troubled with a dreadful, even a loathsome affliction. "*Quoddam genus vermium naso insitum ab infantia gerebat, quae vespae sunt dictae. Et inde a vespis dictus est Vespasianus.*" Now when Vespasian had been baptised, suddenly all these *vespae* fell from his nose and died. Determined to show his thankfulness for the miracle, and fired with horror at the story of the Passion and Crucifixion, he sought Rome, and obtained from Tiberius Cæsar permission to destroy the Jews and the wicked city of Jerusalem. It was granted, and for many years he was getting together an army for this purpose—apparently all through the reigns of Caligula, Claudius, and Nero—a slow mobilisation of over twenty years! Finally he approached Jerusalem with a copious host, and wreaked on the Jews vengeance for their crime. He had hardly completed his task when messengers arrived from Rome to salute him as emperor—the wicked Nero having just perished.

Lest you should think of Vespasian as merely the enthusiastic leader of an early Pogrom, I must present him to you in another aspect. The *Gesta Romanorum* endows him with the character and legend of Minos. He is said to

have been excessively unreasonable as to the marriage of his daughter, who bore the not very Roman name of Agläe, and was wont to turn all suitors for her hand into a labyrinth, where after fruitless wanderings they were devoured, not however by a minotaur but by a lion. His daughter took pity on a certain attractive knight, and gave him an endless clue of silk, which saved him from the intricacies of the labyrinth. But the way in which this first century representative of Theseus gets the better of the lion is charmingly mediæval. He prepared, we are told, a very large ball of the very stickiest glue, and when the lion rushed on him popped it into the monster's yawning jaws. The creature gave one munch, and immediately found his mouth hermetically sealed. The knight then easily disposed of him, and made his way out of the labyrinth by means of the clue.

I might go on for some time giving further examples of the way in which the most time-honoured folk-tales of the general stock are fitted on to well-known Roman emperors —Trajan, Hadrian, Aurelius, Constantine—or in which their characters have been transformed, in order to fit in to some episodes from the lives of the Saints. But I will not go on to tell you how "Domitian was a very just and merciful prince", or how Philip (the murderer of Gordian III) was the first Christian emperor—a very early tale, for St. John Chrysostom says that he carried out a penance imposed on him by Babylas, bishop of Antioch,—or how Maximian "was a very gentle and peaceful emperor". On the other hand Julian the Apostate, for whom mediæval chroniclers conceived that nothing was too bad, is in one history made to enact the whole appalling career of Œdipus. Suffice it to say that all through the centuries before the Renaissance, in the days when no criterion of historical values existed, and all sources were regarded as about equally valuable, the reading of the Roman annals in any universal history presents to the student the most unrivalled opportunities for getting new, startling, and wholly unreliable

side-lights on the mentality and adventures of his oldest Roman friends. But as I trust that it may perhaps be granted to me, some day, to write a general narrative of the first three centuries of our Era, in which no authentic sources whatever shall be employed, and the *Gesta Romanorum* and Geoffrey of Monmouth shall form my most precious authorities, I shall not enter to-day upon this very interesting line of research.

So without going into Imperial scandals on the one side, or hagiography on the other, I will conclude this Address by one short note on the greatest figure of Roman history—neither an emperor nor a saint, but simply "Magister Vergilius", poet and necromancer. Why the author of the Æneid and the Georgics should have become such a dominant figure alike in history and fiction it is hard to discern—but he not only accompanies Dante in his awful visit to the other world, but pervades many lighter tales in a less majestic capacity. Some think that the profound respect for him as the one great surviving poet from the classical tradition, caused him to be invested with supernatural honours, much as Homer was deified in ancient Greece. Sometimes he is next door to a Christian saint, and by an ingenious perversion of well-known passages in his works foresees the Christian not the Augustan Golden Age, and sings not of the young Marcellus but the Messiah. More often he becomes supernatural indeed, but not saintly; he is a first-class necromancer—"a dealer in magic and spells, in ever-filled purses, in blessings and curses, in prophecies, witches and knells". The names of his mother and grandfather, Maia and Maius, were corrupted into Maga and Magus, so that he could be said to have been reared by ancestors skilled in the Black Art. The incantation scene described in the eighth eclogue was supposed to imply an over-great knowledge of incantations in the poet himself. But whatever was the origin of the belief, it led to the most marvellous stories, which introduce Vergil as a mighty mechanician and enchanter, superior, perhaps, even to

Aristotle himself. He made an invisible wall of compressed air to surround his garden, which kept out trespassers without their being able to understand why they could not get through. He also could rear a bridge of air to carry him wherever he chose to go. Naples, we are told, being troubled with a plague of water-leeches, Vergil fashioned a golden leech, which being thrown into the water proceeded to deliver the city from its pest, by devouring all the natural ones. He fashioned for Augustus a set of images called "Salvatio Romae". They consisted of representations of all the provinces of the Roman Empire, each bearing a bell in its hand. They were endued with such mystic power that when any region was planning rebellion the image personifying it commenced to ring its bell, and did not stop doing so till the emperor had taken notice of it. Thus Augustus was enabled to take timely measures for the repression of any sedition before it had time to come to a head. This suggests a primitive adumbration of the idea of wireless telegraphy. But more surprising still is it to find that Vergil also made for the Emperor Titus—he must have been a centenarian by this time—a still more useful machine—an image which, by the mystic powers with which it was endowed, communicated to the emperor all offences committed in the city in secret. The illustrative anecdote which follows shows that it revealed even such a trifling breach of the law as working on a public holiday. So great was the consequent unpopularity of the machine among habitual offenders, that Titus had to place a guard of soldiers over it, to prevent it from being broken at night. How convenient it would be if England could be endowed by some modern Vergil with an automatic and infallible secret police information department!

Vergil working in the reign of Titus is surprising—but how much more is it to find in the *Eulogium Historiarum* under the year-date 548, and in the Pontificate of Silverius II, the note "Hoc Anno Virgilius Neapoli sepultus est, cum libro suo". He must have survived them for some six

centuries, and like Aristotle before him, and Michael Scott after, was buried with his book of spells—which have been sought by many but never found.

I trust that this valedictory address of an expiring president may have convinced you of at least one fact—that there was a time when history could not be called a *dull* science, nor its votaries styled pedants lacking in imagination.

STATUS OF "VILLANI" AND OTHER TENANTS IN DANISH EAST ANGLIA IN PRE-CONQUEST TIMES

By the Rev. W. Hudson, M.A., F.S.A.

Read November 11, 1920

In the *Transactions of the Royal Historical Society*, 4th Series, Vol. I., pp. 28, etc., I commented upon a thirteenth-century Survey of the Manor of Martham, Norfolk, which seemed to carry back the conditions then existing (both as regards the tenants and the agriculture) to a very much earlier period. The use of the old English word "eriung" (ploughing), to describe a full villein land, implied its continuous use from Angle times all through the Danish occupation. The universal intermixture of lands held by the two classes of villeins and sokemen (by which terms alone the tenants were called), together with the obvious inter-relation of their families, pointed to a common origin and a generally accepted equality of status which was apparently still existent in the thirteenth century. In view of the fact that the manorial conditions of compulsory service had been introduced by the Bishop in 1101 for his newly-founded monastery at Norwich, it was felt not unreasonable to date back to that period the conditions disclosed in the Survey. This would bring us to within a few years of Domesday Book, where the lands are described as almost exclusively held by freemen.

To endeavour to link the description in Domesday Book with the conditions of the Survey was plainly most desirable, but not altogether easy of accomplishment. As stated in the previous Paper, the Survey consists of some 80

folios, containing specified abuttals of over 2,000 scattered strips of the tenants' lands. To systematically investigate and tabulate this mass of information was necessarily a work of much time and labour. But with the able help of two colleagues [1] it was effected, and the results have more than fulfilled our expectations. Among the conclusions at which, as I hope to show, we have arrived, I will mention three. First, we have identified the lands held by the *Villeins* of the Survey with those held by 36 *Freemen* in Domesday. Secondly, we have discovered that among the lands assigned in Domesday Book to these Freemen were the lands of 27 Sokemen, who can be disentangled from the other Sokemen of the Survey. They are passed unnoticed, in connection with these lands, by the Domesday Commissioners. Thirdly, the lands of the 36 Freemen, afterwards Villeins, were the old Common Lands of 3 Angle Fields. Some portion of these lands had been detached before the Conquest and were appropriated by the lord of the adjoining Manor of Hemsby. They were held in Domesday Book by 7 "villani," who must previously have been partners with the 36 Freemen—and are so classified in the Stowe Survey. It seems to follow that they were not called "villani" [2] because of their having been reduced to a lower status, but simply because they were "men of the vill," holders of the lands of the vill. This would apply also to the 36 Freemen when they were first termed manorial villeins.

Before proceeding to substantiate the above statements, I should like to point out the more than local importance of these conclusions, especially that relating to the meaning of "villani" at this time and in this district. If the interpretation is correct it affords us a glimpse into the inner

[1] Besides Mr. H. W. Saunders, mentioned in *Transactions of Roy. Hist. Soc.*, l.c., p. 31, my thanks are due to Mr. H. Morgan-Browne, of Streatham Hill, to whose exceptionally retentive memory we are indebted for the linking up of many isolated references and the following out of many clues.

[2] I have intentionally used the word "villani" to dissociate its meaning from that usually attached to the word "villein."

working of a development which had long been taking place in other parts of the country, the establishment of the manorial system. In this Danish district it had by no means spread universally. The special point here brought into prominence is the effect produced by the movement on the old English institution, the "vill". This had been, and still was, the lowest integral unit of local administration (under the hundred). In Domesday Book it is always associated with the amount it owes to the king's geld—and for this the lord of the vill seems to have been responsible, while the persons primarily chargeable were, at least at this time, (not all the settlers but) the holders of the traditional common lands. To complicate matters, these "men of the vill" need not have been (so far as their services were due) under one lord. Several lords may have shared in the services of the inhabitants, but I believe that for agricultural purposes in cultivating their own lands, and probably for fiscal purposes also, the whole of the settlers within the circuit of a vill co-operated together on something like equal terms of status and labour.

After describing the definite information on the subject disclosed in the Survey of Martham, I propose to make some attempt to apply the knowledge thus obtained to the surrounding district, where the process of transition was still developing itself.

The Domesday Account of Martham.—Martham is mentioned seven times in Domesday Book, and contained 1,121 acres of arable land. But five of these entries relate to small holdings, chiefly in the hands of small freemen and under the patronage of several lords. The total amount of them is only 151 acres. The remaining two are of great interest.

The first occurs under the neighbouring Manor of Hemsby: "Lands of the Bishop of Tedford, of his Fee. Hemesbei was held by Earl Algar, T.R.E., and Alwi bought it. Stigand[1] took it from him and gave it to his brother Almar, but the hundred does not know by what right. Thenceforth it was in

[1] For these persons, *see* post., pp. 27, 28.

the bishopric. In demesne [lordship][1] 3 ploughlands and always 33 villani and 13 bordars. Then 6 serfs, now 3. Always 3 ploughs on the demesne, and 11 ploughs of the men, and 40 acres of meadow and 2 salt-pans. Now 12 swine and 160 sheep. And 4 sokemen with 60 acres of land, 3 acres of meadow and always 1 plough. To this estate belongs 1 berewite, Martham, with 2 ploughlands. Always 7 villani and 3 bordars and 1 serf. Always 2 ploughs in demesne and 1 plough of the men and 50 acres of meadow. There are also attached to this manor 27 sokemen (—Richard over 30 shillings[2]—) with 30 acres of land and 5 acres of meadow, always 3 ploughs. And in Winterton 2 sokemen with 10 acres and always ½ plough. Then it was worth 26[3] pounds, now 29 pounds. All this has 1½ leagues in length and 10 furlongs in breadth, and [renders] 30 pence geld. And Martham has 1½ leagues [in length] and 1 league in breadth, and [renders] 30 pence geld, but several hold there. In Escou 2 bordars with 6 acres of land, and they belong to Hemesbei."—D.B. fol. 195: V.C.H. Norf. ii. 117.

The second of these entries is also on the Bishop's Lands:

"Hundret Flecwest. In Martham were 36 freemen of Almar, by commendation only, with 5 ploughlands and 10 acres. Bishop William holds them now, and 50 acres of meadow. Always 16 ploughs. Then it was worth 6 pounds, now 8 pounds and 10 shillings. There is 1 church with 50 acres and it is worth 50 pence."—D.B. fol. 200: V.C.H. Norf. ii. 123.

These two entries need a little explanation with regard to the position of Martham at the Conquest as a local vill. The short entry relating to the 36 freemen covers more

[1] "In dominio" must here mean "under his lordship." The 3 ploughlands would include the lands of the tenants as well as the lord's "demesne." It may be well to mention here that a Domesday ploughland (carucata), though used rather as a basis of assessment than an exact measurement of land, appears to mean 120 acres of arable land, and is so taken by the present writer. A plough-team land is used by the writer for the amount of arable land worked on their own account by the tenants of equal sections of land combining to provide a plough-team. The sections differed in size in different vills. Roughly, each section found 2 oxen for a team of 8.

[2] These words are added above the line. The person is probably Richard, son of Alwin, mentioned under Ormesby.

[3] This, which is one of the largest values in this district, must include Hemsby and the berewite.

than half the whole vill and includes almost all the holders of the old common lands. Yet their 610 acres are only described (like the isolated holdings of the small freemen) as "*in* Martham." On the other hand, the lord of Hemsby, in the description of his berewite (or outlying estate) of 240 acres, calls it "Martham," evidently claiming lordship over the whole vill. In fact, he treats it at that time as an appendage of Hemsby. If he was responsible for the collection of the king's geld from the vill, over nearly all the tenants in which he held either seignorial or patronal control, this is quite intelligible. This theory is confirmed by the fact that the measurement of Martham is not given with the 36 freemen but with the Hemsby berewite. These measurements are always followed by a statement of the amount due from the vill for the geld, and here we find Martham assessed at an equal sum with Hemsby, each bearing an eighth of the 20 shillings at which a Norfolk Hundred was assessed.

Another point is that the notice under Hemsby of the 27 sokemen does not specify where their land was. It will be seen that the number 27 enabled us to identify them among the Martham tenants, with results of no little importance.

The remark which follows the measurement of Martham that "many hold there" means that (as just noticed), besides the tenants mentioned in these two extracts relating to the Bishop's land, there were some others not under his control. Possibly this implied that he did not hold himself responsible for all the 30 pence of the geld. Though we shall notice these small holdings in treating of the whole vill,[1] they do not, of course, appear among the lands of the future manor, from the Survey of which we will now proceed to explain the details of the Domesday entries.

The Formation of Martham Manor.—We may just remind our readers that Almar, to whom in our first Domesday reference, his brother, Archbishop Stigand, gave Hemsby

[1] *See* post., p. 38.

after he had seized it, was at the time of the Conquest Bishop of Elmham (the seat of the then Norfolk Diocese). In 1075 the See was removed to Thetford, where it was held at the time of the Domesday Survey in 1086 by Bishop William de Bellafago. In 1096 it was again removed to Norwich by Bishop Herbert de Losinga who, in 1101, having founded a Priory at Norwich, gave his lands at Hemsby and Martham "ad victum Monachorum." In those days this implied the compulsory cultivation of demesne lands by manorial tenants, and the conveyance of the produce to the monastery. The portion of the Hemsby Manor called in Domesday Book the "berewite in Martham" must have been reunited to Martham as part of the new Manor, and therefore (happily for our investigation) is included in the Stowe Survey of Martham made in 1292.

The "former" Tenements in the Stowe Survey.—A list of the 107 holders of these tenements is given at the end of my previous Paper.[1] For the systematic investigation of the lands we afterwards found it most convenient to arrange the tenements in four columns.[2] As we are not here concerned with the individual tenants, it will be sufficient to give the number of each class and the amount of the lands they occupied. The four classes of tenements are these :—

	a.	r.	p.
(*a*) Lands held by 41 Tenants in Villenage	266	1	20
(*b*) Socage lands held by these Villeins .	141	0	0
(*c*) Lands held by 27 [3] Sokemen . .	235	1	0
(*d*) Lands held by 42 other Sokemen .	188	0	20

We will begin with the lands held in villenage. We are told that these consisted of full or fractional sections of 12

[1] *Trans. Roy. Hist. Soc.*, l.c., pp. 55–6.

[2] They will be found so set out in a Paper contributed by the writer to the Norfolk and Norwich Archæological Society's Collections, vol. xx., pp. 282–285.

[3] The 3 extra tenants above 107 are accounted for by the fact that 3 of the Villeins are also reckoned as among the 27 Sokemen. It is necessary to count them in both lists.

acres called Eruings,[1] and that in the Manor were reckoned 22 eruings and 3 acres. This would make 267 acres, which are accounted for within half an acre and 20 perches. But we find a noticeable circumstance. 36 of the 41 holdings are described as full, half or quarter eruings, as the case may be. The other 5, containing 18 acres 3 roods, are said to owe services as for "tantum terre servitutis".[2] They are classed with the villenage holdings, yet in some respect they differed from the others. The explanation is most likely not far to seek. The 36 were the holdings of the 36 freemen of Domesday; the 5 were lands which at that time had been appropriated to the Hemsby berewite, and had, after the formation of the Manor, been reunited to Martham. In Domesday Book they were held by the 7 "villani" of the berewite.

It may be shown with little doubt that these villenage lands were the old common lands of the original Angle settlement. The Survey mentions 3 great fields, Westfeld, Estfeld and Suthfeld.[3] The first two were, probably, little changed in 1292. Suthfeld had shrunk to small dimensions. This was because of the inroad of the Hemsby berewite. We must therefore take it by itself, apart from the other two. It will here be well to recall [4] that after the description of the Manor in the Survey, this entry is given: "Sequitur de tenemento quondam Simonis de Len [5] et prius de villenagio". It contains 20 acres 2 roods. If we add it to the other villenage holdings, it brings them up to 286 a. 3 r. 20 perches, or very little short of 24 eruings of 12 acres = 288 acres. On the assumption that 4 eruings (48 acres) provided a plough-team, this would give 2 plough-team lands (96

[1] The word "eriung" is always incorrectly spelt "eruing" in the Survey, as then pronounced. See *Transactions Roy. Hist. Soc.*, l.c., p. 35.

[2] Nos. 27–30 and No. 54 on the list.

[3] In the Paper just mentioned, p. 300, can be seen a Plan of Martham, conjecturally showing the site of these fields.

[4] *Transactions Roy. Hist. Soc.*, l.c., p. 33.

[5] A Simon de Len is mentioned in the "Camera" Roll of Norwich Priory in 1272 as going to London on the business of the Priory, and also in other succeeding Rolls.

acres) for each field. Let us see what we find. Taking the portions of villenage lands directly described as in Westfeld or Estfeld, there are in Westfeld 81 acres and in Estfeld 77½ acres. We must note that the same holdings included "tofts"[1] (no doubt in the same fields), containing about 9 acres in each field, giving Westfeld 90 acres and Estfeld 86 acres. This statement cannot be made with strict accuracy, especially because it several times happens that where a tenant holds both villenage and socage land, no distinction is made between the two classes of his lands. It seems reasonable, therefore, to conclude that each of these fields originally contained 8 eruings or 96 acres. As regards Suthfeld, we have not the same information, on account of its having been partly broken up. A large field called Tomeres probably once formed part of it. There is nothing to conflict with our assumption that it was originally equal to the other 2 fields.

According to the above statement, the villenage lands in the time of Domesday Book were thus held: 36 freemen, 247a. 2r. 20p., in the berewite 18a. 3r. 0p., Len's tenement 20a. 2r. 0p., or in all 286a. 3r. 20p. We may safely call this 288 acres or 24 eruings.

To the first item (247a.) we may add 141a. held by the same 36 tenants on socage tenure, and we have 388a. 2r. 20p. The Domesday record assigns to them 610 acres. Where are we to find the remaining 221a. 1r. 20p.? They are to be found in connection with the special group of 27 sokemen mentioned both in Domesday Book and in the Stowe Survey.

The 27 Sokemen.—As already mentioned, the tenants in the Survey are all classified as holding in villenage or socage. The former number 41, the latter 66. The list begins with Roger de Hil, a typical socage tenant. He is followed by Thomas Knight, a typical villenage tenant, and then the two classes are intermixed. A certain number of the socage tenants have to do services "as R. de Hil", and

[1] Ibid., *Transactions*, etc., p. 47.

of these there are 27. But there is nothing in the Survey to distinguish them from the others, except an item in the statement of the lord's income, "Harrowing of Socage, 27 days".[1] Afterwards, in some Court Rolls of the Manor of Martham,[2] in the time of Richard II, I found in several successive years an interesting entry. For the election of a Reeve a tenement of 10 acres was chosen, and one of 20 acres (evidently 2 of 10 acres) to elect a Collector of the Cellarer's Aid.[3] Similarly, a tenement of 12 acres was chosen to find a "messor" and one of 24 acres to elect a Collector of the Cellarer's Rents. The antiquity of the practice was evidenced by an entry in a Bailiff's Account Roll of 12 R. II in the same collection: "To the Cellarer, by the hands of the Messor, of rent of the vill to satisfy to the same his sum of this Manor of old ordained of Rent called Mole, £9 16s. To same for Aid, £3 14s. 8d.". These are the sums mentioned in the Summary of the lord's income in 1292. The 12-acre tenements were manifestly the old villenage holdings. What were the 10-acre tenements? Roger de Hil's holding was of 10 acres, and though the rest of the 27 tenements were very varied, a fair number also held 10 acres. It thus became plain that this group of 27 sokemen was an original group of tenants, and it was an obvious conclusion to identify them with the 27 sokemen of the Hemsby berewite in Domesday Book and to locate these latter in Martham.

From this followed a specially important conclusion. The Domesday 27 sokemen are only credited with a holding

[1] In my former Paper (p. 46) I thought the number of these special sokemen was 19, and as each sokeman was bound to harrow for ½ day, I concluded that 27 days referred not to them, but to 54 sokemen on the whole list.

[2] These and the Bailiffs' Rolls are in possession of the Norfolk and Norwich Archæological Society.

[3] The Cellarer's Aid was a charge on the manors specially appropriated to the Office of the Prior. It went towards the monastic "Larder," to provide a sufficient stock of meat for the winter. The "Mole" was the Rent, paid by all the tenants and was so called from O.E. *mal*, a payment. All the Socage tenants in the Stowe Survey are described in the margin as "Mull" (for Mule land), and the Villenage tenants as "Werk".

of 30 acres, for which they have 3 ploughs. The incongruity of this statement was now explained. In the Survey they hold 235 acres 1 rood. It appears, therefore, that 205 acres of their lands are not entered, or, if entered, are not under their name. The latter suggestion must certainly be correct. These 205 acres almost make up the missing 221 assigned to the 36 freemen. If this be so, how are we to account for the omission of these names? There surely can only be one reason. The Domesday Commissioners thought it sufficient to pass their lands under the responsibility of the 36 freemen. Except in respect of the 30 acres in the berewite, they were plainly co-workers with the 36. We must suppose they paid their contribution to the king's geld through the freemen who were the holders of the lands of the vill, whereas the sokemen only held lands *in* the vill. What class they may have represented I hope to show presently.[1]

This identification of the conditions described in our Survey with those of Domesday times is greatly strengthened by a consideration of the Summary of the Manorial Income in my former Paper (p. 33). There we find: "Average (Cartage and Carrying) of Villenage and Socage, £1 0s. 0¾d." On p. 36 we are told that Thomas Knight, the typical villein, had to do 6 cartings or pay 9d. For 22¼ eruings this makes 16s. 8¼d. Roger de Hil, the typical sokeman (p. 34), has to carry 1 load or pay 1½d. For 27 sokemen this is 3s. 4½d., making for both classes £1 0s. 0¾d., as correctly stated. "Socage" thus means the 27 only. We have seen the same fact implied in "Harrowing of Socage, 27 days". The most significant entry is "Making malt and Threshing of the whole vill, £1 18s. 3¼d.". We should certainly expect to find here all the tenants on the list. But we do not. The villeins have to malt 3½ seams of barley or give 6d. And they have to flail 12 days or give 12d. This for 22¼ eruings makes £1 13s. 4½d. A "Hil" man has only to make a little malt or give 1¼d., and to flail for half a day

[1] *See* post., p. 37.

or give ½d., making (for that group of 27) 3s. 11¼d. The total comes to £1 17s. 3¾d. This amount is not far short, and I cannot find this service assigned to any of the "other" sokemen, so I suppose none but the 27 are intended. On the whole, we are led to conclude that the arrangements as given in the Survey were practically settled when the Manor was formed in 1101, and that at that time the "whole vill" under the Bishop consisted of the holders of the eruings and the 27 sokemen. We may add, as a most probable suggestion, that the Bishop took his first list of tenants from returns just recently made for the Domesday Commissioners.

In noticing this summary, it is only fair to observe that, if not only the classification of the tenants but the actual details of their services are to be dated back to the Conquest, it does not exhibit the "villani" in anything like a position of equality with the sokemen. A great deal more is required of them in the way of service and a far larger composition in lieu of service if it is not performed. We might reply that, in this respect, there can be little doubt that a great deal of change for the worse in their condition had taken place in the interval between the formation of the Manor and the making of the Survey.[1] But it is more useful to put the matter in another light and ask what power the Bishop as Patron had at the formation of the Manor over the men of the vill, who, in the language of Domesday Book, were under his "commendation only." I am unable to give a definite answer to this question. Their relation implied that they looked to him for protection against wrong or injustice, and that involved certain personal services of a social, legal or military character. But it is plain that this was not all. Whether he had the right or not, he undoubtedly had the power (and exercised it) of converting the 36 freemen into forced workers on his demesne. He does not seem to have had this power over the sokemen, at least only to a much

[1] It certainly seems as though these charges date back to the time when the villani and the 27 sokemen were the only manorial tenants, that is, to the very beginning of the Manor.

less extent. The only reason to be given for this difference is that the former were the holders of the old common lands which had once constituted the vill, and were therefore responsible for its public obligations.[1] If the King and his officials held the Bishop responsible for the correct performance of the duties of the vill, they would invest him with a wide authority to enforce them. Those were not days when authority was troubled with much scruple in its exercise, and all around him he saw other lords exacting similar services from their subordinates. So he started the process with the laudable object of providing a religious centre for his diocese, and the lands were swept into the net of the manorial system, which finally reduced the "villeins" to the degraded condition in which they appear in mediæval history.

Pre-Domesday Tenants in East Anglian Vills.—I propose to deal with this part of my subject from an opposite point of view to that adopted by the compilers of the Domesday Return. They have broken up the local units in order to set forth the extent of the various lordships, large or small, which existed in the country. Hence, in endeavouring to ascertain the full number of the occupants of any given vill, it is necessary to pick up scattered notices out of the possessions attributed to various lords. The consequence of this practice is to obscure entirely the unity of a vill, which was certainly in primitive times an undoubted fact, and theoretically was so for a long period after the Conquest, otherwise the legal responsibility of a vill would have been unmeaning and unworkable. We must, therefore, first get together all the elements constituting an agricultural vill

[1] Maitland (*Domesday Book and Beyond*, pp. 24–5), remarking that the Commissioners were to enquire (amongst others) of the "priest, reeve and 6 *villani* of every vill," observes that they were to enquire "how much land was held by Freemen and Sokemen, not by Villains. Why? For geld purposes. The villain's lord may be answerable for the land the villain holds, the sokeman's lord may not be". Of "villanus" he says (p. 59), "When the Norman clerks wrote down *villanus*, the English jurors had said túnesman. The villa is the tún and the men of the villa are the men of the tún".

and then recognise that the tenants had two separate sides of their daily life. One was that they had certain duties to fulfil towards some lord who had a right to demand their services, in which department two neighbours might have to serve two different lords.[1] With this part of their lives, which we may call the manorial, we are not here concerned. The other side was the cultivation of their own private lands for the support of their families. This was done under conditions which might have descended from remote ancestors, or might have been subjected to violent changes from outside influences. In East Anglia both these causes had been in operation. The tenants amongst themselves were, at the time of Domesday Book, still following the old customs of the Angles, but other customs had been introduced by the Danish occupation.

No little insight into the conditions existing at Martham may be gathered from our Stowe Survey compared with the notices in Domesday. As I have not yet succeeded in finding any similar help in respect of any other vills, I will begin with a short account of Martham and its probable growth into the vill of Domesday.

The Angle Settlement in Martham.—We have already seen that this must have consisted of 3 fields, Westfeld, Estfeld and Suthfeld, consisting of 96 acres each, or 288 acres in all. They were divided into Eriungs of 12 acres, 4 of which supplied a plough-team. Each field, therefore, had 2 ploughs. As these lands were divided into strips which were at first re-distributed from time to time, we can presume that there was little social disparity among the tenants.

[1] A good illustration of this statement and of co-operative ploughing by tenants on their lands occurs in Stowe MS. 936, fol. 31 in the survey of the Prior of Norwich's Manor of Elmham, c. 1290. Of the Homagers (villeins) it is said, "They shall do 6 boons with their plough in time of sowing barley, rye and oats, if they have a whole plough. And they shall have for each boon 1½*d*. And if they have only ½ plough then they shall do 3 boons with their plough and receive as above. And if they join with one of the lord's homage they shall do their boons wholly as above. And if they join with one of another lord's homage (alieni homagii) who is unwilling to plough with them on the lord's land then they shall harrow for 3 days and have each day ½*d*."

The Danish Occupation.—We must remember that this took place on two separate occasions. The first culminated in the agreement between King Alfred and Guthrum at the close of the ninth century (A.D. 879). The other was at the beginning of the eleventh century, after the massacre of the Danes on St. Brice's day (A.D. 1002). This finally led to the accession of Canute to the throne of England in 1016. At some time during these two periods a very great change must have taken place in the tenancy of Martham. In its immediate neighbourhood no less than 9 Danish "by's" were established. Besides the formation of the Hemsby berewite and the introduction of the manorial system into a portion of the vill, we may trace through our Survey some significant developments in the tenancy of the land in the northern and western districts. In addition to the lands we have traced as the old common lands held in later times by the villeins, we find in Westfeld and Estfeld a certain amount of socage land, some held by villeins, some by the 27 sokemen and some by the other sokemen. Now we have identified these 27 sokemen with Domesday tenants, and the other sokemen must have been added later, probably after the formation of the Manor. We must therefore confine ourselves to the 36 freemen and the 27 sokemen and enquire how they held the socage land. It appears that, so far as we can separate the socage lands of the freemen—villeins from their common or villenage lands, they must have been about equal in both fields. Of the two classes of land, they held in Westfeld 116a. and in Estfeld 117a. So also the Hil group of 27 held 40 acres in Westfeld and 41 in Estfeld.

From these facts I would infer two stages of development:

1. The Angle settlement with its 3 fields. This was manifestly not extinguished by the Danes. The same agricultural system with its 12-acre eriungs was continued, and for a time was extended under the old conditions. The socage lands held in the 2 old fields (over and above the eriungs) must have been newly-cultivated lands worked by

the community in co-operation, and called by the old names, but not treated as additions to the common fields. The tenants would be Anglo-Danes homogeneously amalgamated. With our present information it is impossible to state definitely how this development progressed, or how the vill was affected by the growth of adjoining Danish settlements. The Domesday account of the changes at Hemsby and the manorialisation of part of Martham plainly relates to a later period, in the reign of King Edward the Confessor.

2. The second stage seems to me to be specially associated with the 27 sokemen, of whom Roger de Hil was the typical tenant. Though, apart from this obligation of service, they are not otherwise distinguished in the Survey, they are certainly put forward very prominently at the commencement of the list of tenants, and that solely (as it would seem) from their topographical position. The compilers of the Survey began at the western boundary of the Manor at a hamlet called Sco (or in Domesday Book, Escou), formerly existing between Martham and Repps. Except No. 2, the typical villein tenant, the first 13 tenants are all sokemen and 10 are of the Hil group. The other 2 (counted among the "other sokemen") are quite of the same character as the rest, and we can only suppose they were not classed with them because they were not there till after the original list of tenants was formed. These 12 tenants hold 120 acres of land, of which only 3 are villenage land. The 10 "Hil" tenants hold 106 acres, of which 31 are in Westfeld, 28 in Sco Feld, and about 30 in a field called Westwong, which lay to the west of Westfeld.

Here we plainly have a group of new settlers partly occupying one of the old fields, but also starting just outside it a new field with a new name.[1] Can we find an explanation of this? I suggest that what I have called the second Danish incursion in the early years of the eleventh century gives a sufficient reason. The Danes then came up the

[1] Westwong. Wong is a Danish word for a comparatively small division of cultivated land.

Norfolk rivers and sacked Norwich. They came as conquerors, but afterwards settled down, and until the Norman conquest undoubtedly did a great deal in developing the whole of this part of the country. It is true that the occupants of the land they invaded were more or less of their own race. But they were at least associated with the authors of the great massacre on St. Brice's day, and we can well understand that at first the new settlers kept to themselves. Two generations later they had all settled down together, as we find them in the Domesday account.

The remaining Tenants of Martham—

On the *King's Land* are mentioned 2 freemen, one of Gert's and the other of Herold's commendation, with 60 acres and 1 plough in the census of Ormesby.[1]

On the *King's Land kept by Godric* is 1 berewite of 30 acres and it belongs to Castre and 3 sokemen with 15 acres.[2]

On the *Lands of Count Alan* are 2½ freemen with 6 acres and 20 acres in demesne. Always ½ plough.[3]

Under *Lands of St. Benedict of Holm ad victum Monachorum,* 3 sokemen with 10 acres. And also a freeman of St. Benet with 6 acres and 3 acres which a blind man holds.[4]

Under *Freemen of no farm, kept by Almar.* He further holds 1 freeman with 10 acres. He always ploughs with 2 oxen.[5]

In all, these scattered Tenants are 12½, viz., 6½ freemen and 6 sokemen with 160 acres, 1 plough and 2 oxen.

On the whole of the lands of the vill there were, apparently, in the time of King Edward the Confessor, 43½ freemen, 35 sokemen, 7 villeins, 5 bordars and 1 serf. The arable land contained 1,121 acres with 24 ploughs and 2 oxen (¼ plough-team). Only 2½ ploughs are said to be in demesne, and the demesne land is not specified in the largest holding,

[1] D.B. 113b. [2] D.B. 129b. [3] D.B. 146b. [4] D.B. 217. [5] D.B. 272.

the Hemsby berewite, on which were two of these demesne ploughs. In the Stowe Survey it is stated as 168 acres. We know that the 7 "villani" who are placed in connection with it were previously freemen holding part of the common lands of the vill.

In considering how the Tenants' lands were worked, we observe that the 160 acres of the 12½ Tenants, mostly attached to other Manors, are almost devoid of ploughs. On the other hand, the 36 freemen who, as we have seen, had 27 sokemen working with them, and had 5 ploughlands and 10 acres, besides 50 acres of the Church land and 15 acres of land in Sco, in all 675 acres, had 16½ ploughs. It seems only reasonable to suppose that the 30 acres held by the 27 in the berewite with 3 ploughs were being worked by them with their other lands, and the same may be said of the 72 acres remaining with 1 plough to the 7 villeins and 5 bordars of the berewite.

Putting all these together, we have of the tenants' lands 777 acres, with 20½ ploughs, or somewhat under 40 acres to a plough.

The Vill of Hemsby

This vill, which so overshadowed Martham before the formation of the Manor, is only once mentioned in Domesday, in the extract given above (p. 25). Unfortunately, its description in the Stowe Survey, which appears to have preceded that of Martham, is entirely missing. As it stands in Domesday it is very difficult to estimate its agricultural condition as regards its tenants. These were 33 villani, 13 bordars, 1 church and 4 sokemen, and the land in all included 440 acres. It was already a manor and there were 3 ploughs in demesne. The "men" had 11 ploughs and the 4 sokemen 1 plough. The difficulty is to find out the land of the tenants. If in the Martham berewite the lord had 2 ploughs for 168 acres, his 3 ploughs in Hemsby ought to imply about 250 acres. This would agree with notices in thirteenth-century Bailiffs' Rolls, where we find that number

of acres being sown after threshing, implying with fallow a larger extent of demesne. But as this conclusion would leave only some 100 acres for the villeins and bordars with their 11 ploughs, it is manifestly out of the question. I can only conclude that, the monastery not yet being founded, the land was cultivated by the men for themselves, a small "feorm" or food rent being made to the bishop's household. A more important question is, What were the "villani"? They were certainly the principal tenants, and I have no hesitation in suggesting that, like their fellow-tenants on the Manor, the 7 villani in Martham, they had been freemen holding the lands of the vill. By way of some corroborative evidence, I may point out how incongruous would be such a set of tenants if the villani were only heirs of a low-caste ancestry. It is contrary to all we find in this district.

The Vill of Caister

This Vill lay S.E. of Hemsby by the sea in the direction of Yarmouth. It has a special interest in connection with our present investigation.

"King's Land. Castre was held by 80 freemen, t.r.e., and now likewise. 4 ploughlands. Then 22 ploughs. And of all this Earl Ralph made a Manor. Now there is 1 plough in demesne and 21 of the men. . . . Always ½ mill and 39 salt-pans." [1]

"Land of St. Benedict. In Castre S. B. always held 1 ploughland. Always 4 bordars and 1 plough in demesne and ½ plough of the men. And 14 freemen under the Abbot, commendation only, [held] 1 ploughland and 1 bordar. Then 2 ploughs of the men." [2]

The first of these entries is of special significance. It records the formation of a new Manor even more definitely than in the case of Martham. Earl Ralph, probably not very long before the time of Domesday, converted an independent community of settlers into a Manor, with a

[1] D.B. 134. [2] D.B. 221.

demesne and customary tenants. It does not describe the 80 freemen as under his commendation, but that must probably be assumed. The proceeding seems exactly similar to that of Bishop Herbert at Martham. But Ralph did not want to feed a body of monks. So he only took to himself a very moderate slice of the spoil. He appropriated 1 plough-team out of 22 for his own benefit, leaving 21 to the former providers. A very noticeable statement is that the 80 freemen held the land in the time of King Edward and *now likewise*. I do not see what this can mean except that the tenancy of the land remained unchanged. If so, what happened as to the title of the tenants? When they were manorialised, were they still called freemen, or were they like the 7 tenants at Martham called villani? I assume that they were holders of the land of the vill. It appears to me that the whole statement implies that at the compilation of Domesday Book they were still called freemen. Whether they were afterwards described as villeins I am at present unable to say.

The other portion of the land has a feature characteristic of the lands of the Abbot of St. Benet, who held it. His chief tenants on his demesne are frequently only bordars, though there are other more independent tenants, as 14 freemen here, who must have done customary work.

As to the Tenants' land. Before the Earl made the Manor, the 80 freemen cultivated 480 acres with 22 ploughs, or 1 plough to every 22 acres, nearly twice the usual number. On St. Benet's land (excluding the plough in demesne and perhaps half the ploughland), there were only 2½ ploughs to about 180 acres or 1 plough to 70 acres. If all the tenants of the vill co-operated, they would have 24½ ploughs to 660 acres, or 1 plough to about 27 acres, much the same proportion as we found at Hemsby.

In noting the large number of freemen on the land of this vill, it may be observed that they were probably not all engaged in agriculture. Caister must have been something like Yarmouth. At that time the rivers Bure and Wensum

entered the sea between the two places,[1] and many of the Caister men must have been fishermen, at least for part of the year. Moreover, there were no less than 45 salt-pans, which must have required much labour.

The Vill of Ormesby

This was another vill of Danish origin, lying between Caister and Hemsby.

"King's Land. Ormesby was held by Guert, t.r.e., 3 ploughlands and 30 acres, which he held of St. Benet. Always 4 villani and 3 bordars, and 2 ploughs in demesne and ½ plough of the men. And 80 sokemen with 4 ploughlands and 46 acres and 3 bordars. Then 33 ploughs."[2]

"Lands of Bishop William. In Ormesbei 2 freemen of Guend (? Guert) with 40 acres, always 1 plough."[3]

Here we have 4 villains and 3 bordars as chief workers on 390 acres, with only 2 ploughs in demesne and ½ plough of the men. The cultivation could only have been done with the help of the 80 sokemen and 3 bordars, who themselves had 526 acres to work. Again, we might suggest that the 4 villani were holders of the common lands, and so perhaps were some of the sokemen.

If we were right in thinking that the 27 sokemen in Martham represented a late influx of Danes in the time of Canute, we may suppose the same of these sokemen in Ormesby. In that case the lands of the vill may have been somewhat limited. We shall find another obvious case of a large accession of Danish sokemen at Ludham in Happing Hundred.

The whole Vill had 916 acres, of which we must deduct at least 200 with 2 ploughs for demesne land. This leaves 716 acres with 33½ ploughs, or 1 plough to 21 acres, on the lands of the Tenants.

[1] This outlet was called Grubbs Haven and was blocked up by the twelfth century. Salt-pans, for obtaining sea salt by evaporation, were much valued as providing the means to preserve meat and other foods through the winter.

[2] D.B. 115b. [3] D.B. 197.

Vill of Happisburgh

The vills we have been dealing with were all in the hundreds of E. and W. Flegg. A little further north was a large vill of Happisburgh, with 2,226 acres, occupied in King Edward's time by 102 tenants of the usual denominations.

"King's Land. Hapisburc was held by Edric, t.r.e. 13 plough lands. Always 21 villani and 20 bordars. Always 3 serfs and 3 ploughs in demesne. Then 9 ploughs of the men. . . . And 21 sokemen, with 86 acres. Then 5 ploughs. And 12 freemen, of whom Edric had commendation only, with 4 ploughlands, and 8 villani and 9½ bordars and 1 serf. . . . Then 10 ploughs. These freemen Earl Ralph added to the Manor." [1]

"Lands of Count Alan. In Hapesburc 2 freemen held 100 acres . . . 5 bordars and 1 plough." [2]

The most numerous class of tenants here are the 29 villani. Of these, 21 were on land already organised as a manor by Edric. With 20 bordars (excluding 3 serfs) they had 9 ploughs of their own. If these were worked on 12-acre sections, this would give them some 432 acres, or 20 acres each, a very large average for this district, implying considerable prosperity if they were holders of the common lands of the vill. It will be noticed that the total lands were 13 ploughlands (1,560 acres), and there were 12 ploughs, or only 1 to 130 acres. Here we find what looks very like a repetition of the case of the 27 sokemen at Martham. There were 21 sokemen with 5 ploughs for only 86 acres. Can we doubt that these men held other land mixed up with the 13 ploughlands, and with their ploughs worked with the 21 villani? There were also on this land, attached to the lord by commendation only, 12 freemen, with 4 ploughlands (480 acres), and 4 villani and 9½ bordars. Amongst them they had 10 ploughs. These freemen, we are told, Earl Ralph afterwards "added to the Manor". That perhaps means that inheriting Edric's commendation he made them into customary tenants, with certain services. The mention

[1] D.B. 133b. [2] D.B. 150.

of the 8 villani here is rather puzzling. They appear to be placed in a subordinate position to the 12 freemen, but there is no suggestion of "demesne" land. They may have been holders of the common land with the 21 other villani, but locally associated with the 12 freemen.

Vill of Riston (East Ruston)

"*Lands of Ralph Barnard.* Haping H.

(*a*) In Riston Ansger 1 freeman under Anger Staller held 2 ploughlands. Then 15 villani, 5 serfs, always 2 ploughs in demesne. Then 2 ploughs of men. And 41 freemen with 1 ploughland. Then 8 ploughs.

(*b*) In the same 1 freeman with 30 acres, always 2 bordars, then 1 plough.

(*c*) In the same 1 freeman with 2 ploughlands under Stigand. Then 15 villani, 3 serfs. Then 1½ ploughs in demesne, always 1 plough of men. And 3 freemen with 12 acres, always ½ plough.

(*d*) In the same 1 freeman of Bp. Almar with 2 ploughlands. Then 15 villani, 3 serfs, then 1 plough [? in demesne], always 1 plough of men. And 3 sokemen with 5 acres. Then 1 mill."[1]

This vill, which occurs only in this one entry, has some remarkable features, especially in respect of its villani. At the time of Domesday Book the vill was held in 4 divisions (which I have distinguished by 4 letters) under 4 different freemen. One of these (marked *b*) has only 30 acres, with 2 bordars and 1 plough. He may be passed over. The other 3 have each of them 15 villani and 5, 3, and 3 serfs respectively. We cannot suppose this arrangement to represent anything but an equal division of an original unit comprising 45 villani among 3 new lords. All 3 are freemen and each holds 2 ploughlands with demesnes. There is no suggestion here of partition by inheritance. They were under (? the commendation of) 3 different over-lords, Anger the Staller, Archbishop Stigand and Bishop Almar. Serfs, I think, were rather an Angle than a Danish institution, and the almost entire absence of sokemen seems to point in the

[1] D.B. 248.

same direction. I would venture to suggest that we have here an old Angle settlement under a thane, with common lands held by 45 "tunsmen," who, on the creation of a manor, were termed "villani," that the 41 freemen settled on the division marked (*a*) were Anglo-Danes of the earlier Danish occupation, and that for some reason the estate was equally divided between 3 subordinate freemen, who attached themselves personally to 3 different lords.

As to agricultural equipment in the different divisions, (*a*) has 1 plough to 30 acres, (*c*) 1 plough to 84 acres, (*d*) 1 plough to 122 acres. In the whole undivided vill are 887 acres, with 18 ploughs, or 1 plough to 49 acres, suggesting the same 12-acre plough-team sections we have met with at Martham and elsewhere.

Vill of Ludham and the Abbey of St. Benet of Holm.

This Abbey was founded by King Canute, *c.* 1020, and by the time of King Edward it had very numerous lordships all over this district. It lay within the circuit of the vill of Horning, in the Hundred of Tunstead, where it is stated "Hec Sedes Abbatie."[1] It was also on the border of the vill of Ludham, in the Hundred of Happing, a much larger and more important vill. Of that we find this record:

"*Land of St. Benedict de Holmo ad victum Monachorum.* Hundred of Hapinga. Lodham was always held by St. B. for 5 ploughlands. Always 15 villani and 13 bordars, 2 serfs, 3 ploughs in demesne, 2½ ploughs of the men. . . . And 115½ sokemen with 3 ploughlands and 15 acres. Always 10 ploughs. And 4½ freemen with 1 ploughland and 15 acres. Always 3 bordars, 2 ploughs."[2]

"In Ludham 1 sokeman of St. Benet with 30 acres, 4 bordars, ½ plough."[3]

"*Land of Count Alan.* In Ludham, Edric, a freeman of Edric de Laxefeld, held t.r.e. 60 acres and 4 bordars and ½ plough. And 11 freemen held 80 acres."

". . . In Ludham 1 plough land was held by 19 sokemen of St. Benet t.r.e. . . . and 1½ ploughs."[4]

[1] D.B. 218b. [2] D.B. 220. [3] D.B. 220b. [4] D.B. 150.

"In Ludham 7 freemen held ½ ploughland, always 1 plough and 1 bordar." [1]

The most noticeable feature of this vill is the large number of sokemen, 134½, as compared with 22½ freemen, 15 villani and 25 bordars. We may well suppose that the 15 villani were holders of the common lands of a small vill, settled together with the 22 freemen, and that the sokemen represent a large influx of Danish newcomers, attracted to the spot by the foundation of the abbey for building,[2] and other requirements, whose families and descendants remained there as permanent settlers.

There is a suggestion of the agriculture having been arranged on a basis of plough-team sections of 15 acres, of which there seem to be two instances, besides a holding of 30 acres and another of 60. This would give 60 acres to provide a full plough-team, which very nearly corresponds with what we find for the entire vill, 21 ploughs to 1,460 acres of land.

General Conclusions.—The conclusions I have drawn from the vills just presented, which are fair specimens of a large number of others, are, it is feared, lacking in the evidential basis that would be desirable. But viewed in the light of the definite information disclosed in the case of Martham, it may be pleaded that they are reasonably justified. I have endeavoured to form an idea of a local community in East Norfolk as it existed just before the Norman Conquest. It consisted of a group of occupants of the land who lived and worked together on terms of practical equality of status. They are classed under three denominations, freemen, sokemen and villani. These last are found almost exclusively on estates which have been manorialised under a lord. I contend that they had once been termed

[1] E.B. 148.

[2] John de Oxenedes in his Chronicle (p. 292) states that the 1st Abbot in 1046 replaced a church formerly built of mud (luteam) with one of stone. His successors vigorously continued the work of supplying monastic offices.

freemen and were the occupiers of the old common lands of the vill. The name "villanus" had arisen recently under the increasing Norman influence in the country, and was a version of the old English "tunsman." It had already, perhaps, begun to import more than this. Owing to their public responsibility, the "townsmen" and their lands had been more and more brought under the control of an overlord. Yet at present, when the Domesday Book was compiled, they were technically (whether called freemen or villani) the head men of the vill, the recognised successors of the original settlers, Angle or Danish. With them were other freemen, differing only in not being occupiers of this land, but mostly belonging to a long settled stock. The sokemen, as I think, were, to a very large extent, Danes, especially incomers during the eleventh century.

A further question of interest arises. If the responsible persons of the vill were the holders of the old lands, rapidly being converted into manorial villeins, can we trace any further development? I think we can. When the legislation of Henry II inaugurated the periodical circuits of Judges of Assize and Sheriffs' Tourns, we find the vill still recognised as the lowest administrative unit. It is summoned to appear by a "reeve and 4 men." A reeve was not (correctly) an official appointed by a lord from above. In the manorial system then existing he was a villein and the selected representative of that class of tenants. Was not this a survival of the older system?[1] Meanwhile, however, a new system of responsibility had arisen. The police duties of the vill had, under the frank pledge system, been shifted from the holders of the old lands on to the individual inhabitants of the whole vill. All the adult males were enrolled in tithings, and when a man was suspected of an offence the question was, Whose tithing does he belong to? and the tithing which could not produce him was fined. Similarly, the King's Tax was assessed by an

[1] *See* ante, p. 34 n. 1.

inventory of the personal goods of every household, made by jurors chosen for the purpose.

All this detachment of responsibility from the old lands would tend to obscure the original position of the villani. By the thirteenth century they had become known only as the most heavily burdened and unfree class of manorial workers. Still, even then, judging by the case of Martham, their relations with their neighbours in the intermixture of their lands and families recalled a good deal of the old equality of pre-Domesday times.

FAMILY-, COURT-, AND STATE-ARCHIVES (HAUS-, HOF-, UND STAATS-ARCHIV) AT VIENNA[1]

On October 26 Professor Dr. Joseph Redlich, on behalf of the University of Vienna, delivered an address to the Fellows of the Royal Historical Society on the present state of the Family-, Court-, and State-Archives (Haus-, Hof-, und Staatsarchiv) at Vienna. Professor Redlich gave a short history of these famous Archives, with a general survey of the astounding wealth of historical documents and State Papers which they contain. He explained the great dangers with which the dismemberment of the old Empire of the Habsburg Dynasty and the formation of several new sovereign states out of the ancient Austrian territories threatened the very existence of these early sources of historical study. He was happy to be able to report that most of these dangers had been averted—at least for the time being—by mutual agreement of the representatives of several Governments concerned. The unanimously accepted thesis that in execution of the respective clauses of the Peace Treaty, the so-called principle of "provenience" should be rigorously observed, gives a guarantee that the Viennese Central Archives of the Dynasty, the State and the Empire will on the whole remain in their present state. Professor Redlich quoted, as examples of the goodwill shown by both sides in this important international transaction, the agreements concluded by Austria with both the Czecho-Slovak and

[1] An interesting account of a visit to the Vienna Archives, in 1913, by Sir E. Vincent Evans on behalf of the Royal Commission on Public Records is printed in the Third Report (1919) of the Commissioners (Vol. III, Part ii. p. 110).

Jugoslavian Republics. Anyhow, it had appeared very important to Professor Redlich and other Austrian historians to bring the whole problem of the Viennese Central Archives before that assembly of English historical learning and research, in order to make it acquainted with the facts. He ventured to hope that the audience would take an interest in the history and the present state of the Viennese State Archives, and that if, by any turn of events the existence of this most precious collection of historical documents should be endangered, the Royal Historical Society would not fail to give assistance and support to all those legitimate interests represented by the Austrian historians and by the present official guardians of that famous institution.

The following is the complete text of the Memorandum on the history of the Viennese Family-, State- and Court-Archives from which Professor Redlich was able to read some extracts only in the time at his disposal.

These Archives are to be numbered among the most notable resorts of study in Europe. They are deposited in a modern Archival edifice, erected in the years 1899–1902, and their wealth of parchment documents, manuscripts and bundles of official documents, forms a storehouse of the very highest order for all researches in the field of mediæval, and above all of modern, history down to the most recent past, of which it is not easy to present a survey. Their importance equals that of the foremost great European Archives, such as those of London, Paris, Rome (Vatican), Simancas, and Venice, and they are hardly inferior to any of these in the wealth of the materials contained in them.

Until a short time ago, divers obstacles of an internal kind stood in the way of supplying the public with elucidatory information as to the Vienna Archives, and at the present moment difficulties, mainly technical and financial, prevent the publication of the Manual long since planned by their officials. But, by way of a first introduction, a brief sum-

mary of the history of these Archives, and of their present contents, may not prove unwelcome.

The repeated Partitions of the dominions of the territorial Princes of the House of Habsburg, which had taken place among them during the later Middle Ages (from 1379), led to the preservation of the documents belonging to them in different localities. An attempt by the Emperor Maximilian I to form Archives common to these Princes was never carried far beyond the first inception, and the union of documents taken in hand under Ferdinand I ended again with the Partition of territories of 1564. It was not till the great administrative reforms of the Empress Maria Theresa had set in, that in the year 1749, there ensued the establishment of unified Archives—the *Family, Court and State Archives* (*Haus-, Hof-, und Staatsarchiv*). They were designed as Family *and* Court Archives, which were to unite the most important documents bearing upon the affairs of the Family and the State of the Habsburgs. They were, in the first instance, placed in charge of the "*Directorium in publicis et cameralibus*". The Court Secretary (*Hofsekretär*) of the *Directorium*, Theodor Anton Taulow von Rosenthal, collected the scattered archival material preserved by the territorial Princes at Vienna, Graz and Innsbruck; transferred to Vienna from Prague a large part of the Bohemian Crown Archives preserved there, and thus created the nucleus (*Grundstock*) of the Archives, which now substantially united the hitherto scattered collections (*Bestände*) of the *Old-Austrian State Archives* (*Alt-Oesterreichisches Staatsarchiv*) and the Bohemian documents. This nucleus consisted, in altogether preponderant proportions of original documents, compared with which the few Transactions (*Acta*) and Correspondences were of quite secondary moment. Of special importance for the entire future of the Archives was the ordinance which, in the year 1762—after the abolition of the *Directorium in publicis et cameralibus*—subordinated them to the *Court and State Chancery* (*Hof- und Staatskanzlei*), the central authority (*Centralbehörde*) to which

from 1742 onwards was committed the conduct of Foreign Affairs and the Family matters of the Dynasty. Hereby, the Archives were entrusted with the preservation of all the transactions arising out of the proceedings of this Chancery and out of those of the Boards of Councillors (*Rathsbehörden*) and other advisory authorities under the Sovereign, connected in many ways with the functions of the Heads of the Chancery itself. But the Archives were, further, supplied from the Register (*Registraturen*) of the State Chancery Offices with the not less important Transactions (*Acten*) of those official authorities (*Behörden*) which had hitherto, at least partially, managed the foreign policy of the Emperor —*viz.*, Transactions (*Acta*) of the Austrian Chancery (*Hofkanzlei*) and of the Secret Conference (*Geheime Conferenz*), which latter was of the very highest importance as the Central Board of Counsel or Advice (*Rathscollegium*) of the Emperor. In conformity with their functions (*Stellung*) the Archives of State were in the year 1807—after the dissolution of the Roman Empire of the German Nation,—designated as the place of preservation of the diplomatic and political Transactions (*Acta*) of the Imperial Court Chancery (*Reichshofkanzlei*), to which, in the course of the following decades, were also added the remaining portions of the several Imperial Archives, more especially the Archives of the Imperial Court Council (*Reichshofrath*). These Imperial Archives, to which, in the year 1852, were further added the Archives of the Archbishop of Mainz as Arch-Chancellor of the old German Empire, hitherto preserved at Frankfort-on-Main, and which thus represent almost the entire Archival possessions (*Archivalienschatz*) of the old holy Roman Empire, form, together with the Transactions (*Acta*) of the Chancery of State, one of the great main collections of documents in the Archives now under review.

It is impossible here to note in detail the additions made to the Archives in consequence of the Secularisations and of the great military and political events of that age, or to recount the incidents of their fate, in the years 1805 and

1809, when a great part of the Archives was saved by flight, and another part temporarily carried away to Paris by Napoleon. Mention may, however, be made here, on account of the extreme value of its documentary materials, of the Archives of the Archbishop of Salzburg which in 1805 (and partly in 1814) were incorporated in the State Archives. Other valuable parts of their contents, such as portions of the Archives of the Republic of Venice and of the Episcopal Territory (*Hochstift*) of Trent came to Vienna in the early years of last century and were, after these territories had been transferred to Italy, given up to their place of origin (*Provenance*).

In 1851 and after, transfers were gradually made to the Archives from the Registers of the Ministry of the Imperial Family and that of Foreign Affairs (which had since 1848 taken the place of the Chancery of State). Without entering into more particular details, it may be pointed out here, that after the last transfers—those which have taken place in the present year—the entire documentary possessions (*Bestände*) of the Chancery of State (with those of its predecessors and those of the Imperial and Royal Ministry of Foreign Affairs) are united in the *Family, Court and State Archives*—in so far as these Archives comprised political (diplomatic) documents (*Acta*). These documentary possessions cover the period from 1700 to 1918; while the transfer of the administrative Register (*Registratur*) of the last decade is still in progress.

With the inclusion of the Registers (*Registraturen*) formerly preserved in the Cabinet Chancery (*Cabinetskanzlei*) of the Emperor the State Archives also acquired an altogether exceptional material of sources for the internal history of the Habsburg Empire. In the year 1885 the Archives received the Registers (*Registraturen*) of the Council of State (*Staatsrath*) (1761 to 1848); on which there followed, in the years 1902–1910, the entire collections (*Bestände*), of the Cabinet Chancery dating from the time before 1867—among them the Archives of the *State Conference* (*Staats-*

conferenz), the *Cabinet Archives* (*Cabinetsarchiv*) in the narrower sense of the term, the *Protocols of the Ministerial Conference*, together with numerous correspondences and papers left behind them by statesmen of eminence. In the year 1920, the documentary remainders (*restlichen Bestände*) appertaining to the *quondam* Cabinet Chancery within the period from 1867 to the end of the Austro-Hungarian Monarchy were likewise incorporated with the *Family, State and Court Archives.*

The preceding cursory survey of the history of the *State Archives* might have of itself sufficed to indicate that the *Family, Court and State Archives* of the present day comprise a considerable number of Archives and Registers (*Registraturen*) which represent the deposit (*Niederschlag*) of the activity of the chief official authorities of the *quondam* Habsburg and of the old Germanic Empire. These sources are in many ways connected with, or supplementary to, one another ; but each particular one of them forms an organic whole. The following pages, then, are intended to offer a brief survey of all the collections contained in the Archives, their disposition and arrangement, and their importance for research. The standpoint to which we propose to adhere in this enquiry will be exclusively that of *provenance, i.e.*, the definite statement (*Festsetzung*) of the official authority out of whose activity the several Archives grew up. We shall not enter closely into the questions whether, perchance, for technical archival reasons, or from other causes in earlier times, collections of various origin have been reunited in a single archival body, and whether, perchance, the present disposition and arrangement of these collections have been influenced or not by such processes on the part of former administrators of the *Archives.*

We begin with the *Old-Austrian Archives of State* (*Alt-Oesterreichisches Staatsarchiv*), which came into being in the Chancery of the Austrian territorial Princes up to the times of the Emperor Ferdinand, and which comprises the Family and State affairs (in those days still much intermixed) of

the Habsburgs and their predecessors—the Babenberg Dukes of Austria. In far the largest proportion, these Archives consist of documents and manuscripts, of which the former represent material received by the Chancery (*Einlauf*), while the *Chancery Registers* (*Kanzleiregister*) of various kinds, preserved among the Manuscripts dating from the fourteenth century onwards, form at least a small part of those issued by the Chancery (*Auslauf*). The great *Repertory* (*Repertorium*) designed by Wilhelm Putsch under Ferdinand I (1527–47), a piece of work of extraordinary merit for the time to which it belongs, affords us the earliest assistance for the use of these Archives.

Of the remaining large collections (*Bestände*), the *Archives of the Empire* also carry us back into the Middle Ages, inasmuch as they begin with the reign of Frederick III. They are divided into three parts, *Imperial Court Chancery* (*Hofkanzlei*), *Imperial Court Council* (*Reichshofrath*), and Mainz Arch-Chancery Archives (*Erzkanzlerarchiv*), and reach to the end of the Roman Empire of the Germanic Nation in the year 1806. Among the several divisions of the *Transactions* (*Acten*) of the Imperial Chancery, we should mention, as the most important, the Diplomatic Transactions (*Acta*) (Reports of the Emperor's Ambassadors at the Courts of Europe and Instructions to them), the Proceedings (*Acta*) of *Diets, Elections* and *Coronations*, matters (*Acten*) of *War and Peace*, and of *Religion, Correspondences* of divers Statesmen (designated as "*Great Correspondence*") and the Transactions, comprised in special series of their own, of the times of Frederick III and Maximilian I. The most valuable contents of the *Imperial Archives* also include the *Imperial Register of Books* (*Reichsregisterbücher*) from the end of the fourteenth century to the year 1806 and the *Imperial Taxation Books* (*Reichstaxbücher*) (from the second half of the sixteenth century). The *Archives of the Imperial Chancery* are, in many instances, supplemented by those of the *Arch-Chancellor* of the Empire, the Archbishop of Mainz. As head of the Estates, the

Arch-Chancellor was frequently in opposition to the Emperor, so that his transactions (*Acta*) possess a special significance. The third set of Archives consists of those of the *Imperial Court Council* (*Reichshofrath*), which concurrently with the Imperial Cameral Tribunal (*Reichskammergericht*) formed the supreme judicial authority of the Old Empire, but was also concerned with political matters and matters of grace and favour (*Gnadensacten*). These functions are accordingly divided into two parts: *Judicialia*, proceedings at law (*Prozessacten*) arranged in the order of the names of the plaintiffs, and *Gratialia*, grants of favours and privileges of various sorts, which comprise much material of value from the point of view of the history of civilisation (*Kulturgeschichte*) (printing privileges, censorship of books, medical privileges, postal system). To this division also belong documents concerning feudal tenures (*Lehensacten*).

In their significance for general European History, the *Imperial Archives* are even surpassed by the so-called *Secret Austrian Register of State* (*Staatsregistratur*) in the Austrian Court Chancery, in so far as it dealt with matters of foreign politics; also by the Reports and Protocols of the Secret Conference (*Geheime Conferenz*) (1669–1740) and by the Archives of the *Court and State Chancery* (1742–1848), and of the Ministries of the Imperial Family (*Haus*) and of Foreign Affairs (1848–1918). The Reports of the Austrian Diplomatists sent to Vienna and the Instructions issued to them are specially valuable and full of conclusive information (*aufschlussreich*) for the eighteenth and nineteenth centuries, especially for the times when Kaunitz and Metternich held positions of pre-eminence among the statesmen of Europe. Besides the *Diplomatic Correspondence* proper, arranged in the order of the names of the Correspondents, special mention should be made of the reports (*Vorträge*) of Ministers addressed to the Sovereigns, the Protocols of the Joint Council of Ministers (*Gemeinsamer Ministerrath*) (1867–1918), and the interchange of Notes with the various Central Official Authorities (*Centralbehörden*)

of the monarchy, which in the Sections "*Interiora*" and "*Provinces*" also contain material of importance for many questions of Internal History. The Diplomatic Correspondence of the second half of the nineteenth century united in the so-called *Archives of the Ministry of Foreign Affairs*, has, practically, remained unused and awaits investigation by scientific research. The Diplomatic Correspondence of the nineteenth century is often valuably supplemented by the numerous Archives of Embassies. Finally, mention should also be made of the Administrative Register (*Registratur*) of the Ministry of Foreign Affairs, which reaches back so far as 1830 and affords a rich storehouse of information concerning the history of commerce and communications, questions of ecclesiastical history and many branches of international law.

Reports, written or oral, of nearly all official authorities (*Behörden*) are to be found in the Archives of the *Council of State* (*Staatsrath*) instituted by Maria Theresa (1761–1848) and of the *State Conference* (*Staatsconferenz*) (1809–1848). The sphere of operations (*Competenz*) of the Council of State was exclusively confined to home administration, but the State Conference occasionally extended its activity to foreign policy. Both Archives are arranged according to the office numbers of the documents contained in them (*Zahlenregistraturen*), which have to be identified with the aid of elaborate indices and Protocols. Together with the *Cabinet Archives* (*Cabinetsarchiv*) of the Emperor (1802–1918), which is arranged similarly to the two Archives previously mentioned, they constitute a source hitherto—with the exception of the State Council—not yet much used, but abounding in materials for the internal history of Austria-Hungary, and, among other branches, especially for the history of civilisation (*Kulturgeschichte*) in the narrower sense, (*Literature*, the *Theatre*). The *Cabinet Archives*, further, include several series of older and more modern Transactions (*Acten*) concerning the Constitution and Administration of the particular Provinces, as well as

numerous oral reports, *mémoires* (*Denkschriften*) and elucidatory statements (*Ausarbeitungen*) by Ministers and leading statesmen. For the period from 1848–1918, the *Protocols* of the *Ministers' Conference*, and, joined to them, the Extracts of Reports (*Vortragsextrakte*) of the *Cabinet Chancery*, form a source whose value is not inferior to that of their predecessors. Of great importance for the Constitutional and administrative history of the *quondam* Austrian Empire are the *Archives of the Imperial-Royal Council of the Empire* (*Reichsrath*) and the augmented (*Verstärkter*) *Reichsrath* (1851–1861), the *Junior* (*Jüngere*) *Staatsrath* (1861–1868) and the Austrian Imperial Parliament (*Reichstag*) of 1848–9. Further notable sources for the history of political and national movements and their leaders are furnished by the Collections of the Court Department of Police (*Polizei-Hofstelle*) (1848–1867) as well as by the *Register* (*Registratur*) of the *Office of Information* (*Informations-bureau*) (1867–1908) departmentally joined (*angegliedert*) to the Ministry of Foreign Affairs, together with the *Actes de Haute Police* (1849–1864). A further group consists of the Archives of those Imperial Central Official Authorities (*Zentralbehörden*), which, since the war of the Spanish Succession established the position of the House of Habsburg in Italy, were charged with the organisation and administration of the Habsburg dominions in the peninsula, and which, during a few years, when the subsequent Emperor Charles VI was resident in Spain as King Charles III, also affected the history of the latter country. These authorities (*Behörden*) which had their place of office at Vienna, were the *Spanish Council, Supremo Consejo d'Espana* (1702–1736), *Consiglie d'Italia* (1736–1756), the *Italian Department of the State Council* (1755–1798) and the *Italian Court Chancery* (1793–1805). The *Transactions* of the *Lombardo-Venetian Government-General* (*Général Gouvernement*) (1817–1859) were, in accordance with their *provenance*, given up to Italy, likewise the *Dispacci di Germania* (*Reports of the Venetian Ambassadors at the Imperial Court*), coming from the Archives of the

quondam Republic of Venice; but the administration of the Italian Archives has consented to the retention by the *Haus- Hof- und Staatsarchiv* at Vienna of the copies of the *Dispacci* made at the time by order of the Italian authorities.

A portion of the *Haus-, Hof- und Staatsarchiv* designated as *Austrian Transactions* (*Oesterreichische Akten*) comprises, besides documents (*Akten*) owing their origin to the course of business of the *Imperial Chancery* and the *Chancery of State*, others of different *provenance*—for example, the Graz and Innsbruck Privy Council, which at the time of the territorial Partitions in the sixteenth and seventeenth centuries represented the supreme stage in the Councils (*Oberste Berathungstelle*) of the territorial Princes of Inner Austria and the Tyrol.

In consequence of the Secularisations at the beginning of the nineteenth century, the Archives of many dissolved monasteries and part of the Archives of the Archiepiscopal See of Salzburg, formerly immediate to the Germanic Empire, which is specially notable for its wealth of documents, found their way into the State Archives. The section designated as *Spiritual Archives* (*Geistliches Archiv*) also includes the *Jesuitica*.

Finally, the *House, Court and State Archives*, as their very name testifies, include parts of the Family Archives of the House of Habsburg-Lorraine and the Archives of most of the official authorities of the Court (*Hofbehörden*). The section which at the present day is kept separate under the designation of *Hausarchiv* (*Family Archives*), is, indeed, an artificial formation, and for the most part contains documents and Transactions (*Acta*) which had reference to the *quondam* dynasty and were selected from the Archives of various public authorities (*Behörden*), and will have to be reincorporated in the respective collections (*Bestände*) whence they were taken. But even after these pieces have been retransferred, there will remain a considerable collection forming *Family Archives* (*Familienarchiv*) proper. To the *Family Archives* there also belong the *Lorraine Family*

Archives, which cover the period from 1096–1780, and contain a series of interesting documents and Correspondences.

The *Court Archives* comprise the *Archivalia* of the offices of the *Obersthofmeister* (Chief Steward of the Household), the *Obersthofmarshall* (Chief Court Marshal), the *Oberstjägermeister* (Chief Master of the Hunting), the *Hofbauamt* (Chief Master of Court Buildings and Works); the several bodies of Life-Guards (*Leibgarden*); the Administrators of the Palaces of Schönbrunn, Baden, Belvedere, Hetzendorf, Laxeburg and Salzburg; the Books and Documents (*Acten*) of Court Ceremonies, besides certain smaller Collections, such as the Transactions of the Court Apothecary Office (*Hofapotheke*), the Court Gardens, the Court Theatres, and the Court Chapel of Music. Finally, there should be mentioned in this connexion the documents (*Acte*) of the Chanceries of particular Orders, such as the Order of Leopold and the Order of the Iron Crown. These Court Collections which, in many instances, reach back so far as the sixteenth century furnish abundant materials for many branches of the history of civilisation (*Kulturgeschichte*), as well as for researches in genealogical and biographical history.

In addition to the above-mentioned collection there has also been found in the *Haus-, Hof- und Staatsarchiv* a number of *Private Archives*, which were deposited there by the owners, but are likewise accessible to research. As the most important of these may be enumerated the Este, Kinsky, Trauttmannsdorff and Aspermont-Linden Family Archives. Furthermore, there are here preserved the literary remains of historical scholars, such as the abundant *collectanea* of the former Director of the Vienna Court Library Birk, the collections of Hermann Hallwich, known by his Wallenstein researches, and the literary remains of Arneth.

In conclusion, attention should be likewise directed to the collections belonging to the *State Archives*, of impressions of seals, and of stamps for sealing, the nucleus of which is formed by the Smitmer-Löscher Collection of Seals (*Sphragistic Collection*). A collection of formal announcements of

death or obituary notices (*Partezettel*) consisting of more than 30,000 items furnishes biographical material, more especially for the second half of the nineteenth century and for what falls within the range (*das Gebiet*) of the former Austro-Hungarian Monarchy. For biographical data of the eighteenth and nineteenth centuries note should also be taken of the very full slip catalogue here deposited by the Vienna author and collector, Moriz Bermann.

THE COUNCIL OF THE WEST

By Caroline A. J. Skeel, D.Lit., F.R.Hist.S.

Read May 21, 1921

Prof. Baldwin has traced the history of the King's Council down to the year 1540 when "the chief problems which affected the institution during the middle ages were practically settled." There was no longer danger of subservience to private interests; on the contrary, the Council was the means whereby the Tudor monarchy performed its work. So successful was government by Council that it was applied to districts where special difficulties existed; local Councils worked in close connection with the Privy Council.

The Council of the West, or the Council in the Western Parts, was the latest in origin, briefest in duration, the least important, and the least interesting, of the three local Councils of the Tudor period. The beginnings of the Council in the Marches of Wales and the Council of the North can be traced back at least to the fifteenth century: both of them endured till the seventeenth century. The criminal jurisdiction of both was abolished by the Long Parliament in 1641, though the Council in the Marches was revived as a civil court at the Restoration, and was not finally abolished till 1689. The Council of the West had a definite beginning in 1539, and seems to have come to an end some time before the death of Henry VIII in 1547. It has left few traces, and references to it, contemporary or later, are hard to find.[1]

[1] Coke gives the Council a few lines in his *Fourth Institute*. References to Lord Russell as the first and only President of the Council are to be found in Wiffen's *Memoirs of the House of Russell*, in Mrs. Rose-Troup's

Only once is it mentioned in the Statute Book, in the Subsidy Act, 32 H. VIII. c. 50:—

"The Bill for the subsydy. Consideryng . . . what yerely costes and charges also his Majestie is at and of long time hath bene, for and aboute the stablissing of three Presidentes and discreat severall Counsailes, as well in the Marches of Wales and the Shires thereunto adjoyning, as in the North and Weste parties of the Realme. By reason wherof, his true subjectes poor and riche, without tract of tyme or any greate charges or expenses have undelayed Justice daylye administred unto them." [1]

The document that throws most light on the history of the Council is the copy of the Instructions [2]: these are evidently modelled on the Instructions to the Council of the North,[3] a comparison of the two showing little variation in wording save in the preamble. The Instructions are addressed by the King to eighteen councillors, headed by Lord Russell. The other names are: the Bishops of Exeter and Bath (John Voysey and John Clerk), the Dean of Exeter (Simon Heynes), Sir Piers Edgcombe, Sir Thomas Denys, Sir John Arundell the elder, Sir Giles Strangways, Sir Thomas Arundell, Sir Hugh Pollard, Sir John Horsey, Sir William Godolphin, Sir Hugh Paulet, John Rowe, serjeant-at-law, Richard Pollard, Lewis Fortescue, William Portman and Thomas Derby (the secretary). The reason for the establishment of a Council in the western parts of the realm, *i.e.* in the shires of Devon, Cornwall, Somerset, Dorset, and the city and county of Exeter, is stated to be the need of speedy and indifferent administration of justice between party and party. The councillors were to lay aside all partiality in the execution of their duties and without

Western Rebellion of 1549, in Lady Radford's article on Tavistock Abbey in the *Transactions of the Devonshire Association for* 1914 (p. 142), and in the article on the first Lord Russell in the *Dict. Nat. Biog.*

[1] This shows that the Council of the West was not "set up by statute in 1540" (Holdsworth, *History of English Law*, Vol I, p. 278.

[2] Cotton MS. Titus, b. i, ff. 172–7.

[3] *L. and P. Hen. VIII*, vol. xiii, pt. i. (1537), No. 1269.

delay were to bring in all malefactors in places within their jurisdiction. Ten of them (the Bishop of Bath and nine of the lay members) would attend at their pleasures, save when specially sent for by the Lord President, though they were expected to be present at the four general sittings. Seven of them (the Bishop of Exeter, the Dean of Exeter, Sir Thomas Denys, Sir Hugh Pollard, John Rowe, Lewis Fortescue and Thomas Derby, the secretary), or at least three of them, were to give continual attendance on the Lord President. The yearly sum paid to the Lord President for the diets of himself, the councillors, and their servants, was to be £1,000; the number of servants allowed was four, three, or two, according to the councillor's rank. The fees allowed for twelve of the lay members were as follows: £30 for Serjeant Rowe, £26 13s. 4d. apiece for four members and £13 6s. 8d. apiece for seven members; apparently the other members were to serve without fee. The fees were to be paid out of the profits of the Crown lands in the West, four times a year, at the usual dates.

In order to give the President and Council sufficient authority in criminal and civil causes, two commissions of *oyer and terminer* had been commanded by the King to be made out under the Great Seal. Power is given to the President and Council to punish those who neglect or despise their orders, and those who speak seditious words, invent rumours, or commit offences not amounting to treason; the punishments mentioned are the pillory, cutting off ears, displaying papers, etc. Other offences especially within the purview of the Council were riots and unlawful retaining and giving of liveries. They were also to enforce conformity to "suche lawes ordenances and determynacions as be made passed and agreed upon by his graces parlyament and Clergye" especially against "the usurped and pretended power of the Bisshopp of Rome" and the observance of "vayne holy dayes." They were also to "make diligent Inquisicion who shal take yn or inclose any commons called intactes, who be extreme in taking Gressoms and arrering

of Rentes and soo call the partyes that have soo used themselfes eyvell therein before them and having all Respectes or affections aparte they shall take such order and redresse of the enormityes used in the same as the poore people be not oppressed but that they may lyve after their sortes and qualities". This clause shows that the instructions for the Council of the North were used for the Council of the West without regard to the fact that gressom was the North-country name for the fine paid by a tenant on entering upon his lands. Poor suitors might have counsel furnished without payment. The decrees of the Council were to be entered by the Secretary immediately in a book which was to remain in the custody of the President. Much is said about fees, that question on which so much ink was expended by critics of the Council of the Marches. The Council was to meet at four places in the year, staying at least a month at each. There is a regrettable blank space in the MS. for the first meeting-place; the others are Exeter, Dorchester and Wells. It is probable that the other meeting-place was Tavistock; this would have been specially convenient for Lord Russell, since, after the dissolution of the Abbey of Tavistock, its lands and its rights over the town were transferred to him; sometimes he speaks of "my town of Tavistock". Moreover there are at least three definite statements that the Council did meet at Tavistock.[1]

It may be conjectured that the reason for establishing the Council was not merely the laudable desire to give increased legal facilities to the inhabitants of the four western counties. It was due also, in all probability, to the fear that the West might follow the example of the North in 1536 and break out into open rebellion. Quite recently there had been disturbances in Somerset over the visitation of the monasteries in 1535; these had been dealt with by

[1] *L. and P. Hen. VIII*, vol. xiv, pt. ii (1539), 190, p. 55. Hoker's *Commonplace Book* (City of Exeter Muniment Room), f. 344. Jewett's *History of Plymouth*, p. 88, under date 1538. "Wm. Hawkins again Mayor, The King established a council for the west at Tavistock."

Lord Fitzwarren and Lord Houston, and 140 persons who had been condemned for high treason in taking part in unlawful assemblies had been pardoned. Similar disaffection had been shown in Dorset.[1] In Devon Henry might well fear the resentment of the old families at the execution of the Marquis of Exeter, Henry Courtenay, on the charge of treason (1538). Among the accusations against him is included the statement of a certain clothier that "the date of the King was almost out and that there was but four or five years to come and then my lord Marquis would be King".[2]

An additional motive for the establishment of the Council may well be found in the resentment, in the West as in the North, at the dissolution of the monasteries and the abolition of sundry holy days. Sir William Godolphin wrote to Cromwell in 1537 concerning the desire of the Cornishmen to retain their holy days.[3] How the proceedings of the commissioners for suppression of monasteries were regarded in Exeter may be seen from the narrative of Hoker, historian and chamberlain of the city.[4] He relates that in the summer of 1535 Sir John Tregonwell, Sir Thomas Arundell and other commissioners came to Exeter to suppress all the religious houses of the sum of 300 marks or under. They began with the Priory of St. Nicholas, and after viewing it, went off to dinner, commanding that during their absence the rood-loft of the church should be pulled down. "In the meanwhile, and before they did return, certain women and wives in the city, namely Jone Reve, Elizabeth Glanfeld, Agnes Collaton, Alys Miller, Joan Rede and others, mynding to stop the suppressing of that house, came in at last to the sayd churche; the dore being fast, they broke it open and finding there the man pulling down the rood-loft, they sought all the means they could to take him

[1] Cotton MS. Titus, B. i, f. 97. *L. and P. Hen. VIII*, vol. x, 702 and 1015 (26).

[2] *L. and P. Hen. VIII*, vol. xiii, pt. ii, 961.

[3] *Ibid.*, vol. xii, pt. i (1537), 1001.

[4] Printed in Oliver's *Monasticon Dioecesis Exoniensis*, p. 116.

and hurled stones unto him, insomuch that for his safety he was driven to take the tower for his refuge, and yet they pursued him so eagerly that he was enforced to leap out at a window and so save himself, and very hardly he escaped the breaking of his neck, but yet brake one of his ribs. John Blackaller, one of the aldermen of the city being advertised hereof, he with all spede gate him to the said monastery so thinking that what with fair words and what with foul words, to have stayed and pacified the women: but howsoever he talked with them, they were playn with hym and the foresaid Elizabeth Glanfeld gave him a blow and sent him packynge. The mayor (William Hurst) having understanding hereof and being very lothe the visitors should be advertised of any such disorders and trobles, he came down with his officers. Before whose comyng they had made fast the churche dores and had bestowed themselves in places meet as they thought to stand to their defence. Notwithstanding the mayor broke in upon them and with much ado he apprehended them and took them all and sent them to ward. The visitors being then acquainted therewith, they gave thanks to the mayor for the care and diligence of their services and so they proceeded to the suppressing of the house, and before their departure they intreated the mayor for releasing of the women."

Thus the Council would be specially concerned to repress any manifestation of attachment to the Courtenay family and any demonstration in favour of the old religion. The intimate knowledge that Cromwell possessed of the Council in the Marches of Wales and the Council in the North makes it probable that the establishment of this third Council was in a large measure his work.

The Councillors were well chosen for their task: they were for the most part definitely associated with the new order of things, especially the Lord President. Sprung of a Dorset family which became prominent only in the reign of Henry VII, Russell was a favourite of Henry VIII, who employed him in diplomatic business and in warfare. He

was Sheriff of Dorset and Somerset in 1528; in 1539 he was present at the execution of the Abbot of Glastonbury, and in the same year he was made Baron Russell of Chenies, High Steward of the Duchy of Cornwall and Lord President of the Council of the West.[1] Russell gained enormously by the Reformation changes; he was granted the lands of the abbeys of Woburn and Tavistock, and the site of the Dominican convent in Exeter, on which Bedford House was built. He also derived considerable sums from other monastic houses, such as Selby, Peterborough and Croyland. For his services in the suppression of the Western Rebellion in 1549 he was made Earl of Bedford. The Corporation of Exeter has quite recently acquired an early seventeenth century common-place book, in which there is a poem on Russell's son Francis, the second Earl of Bedford. The first Earl is thus described:—

> "his noble sier in Henryes eye a pearl
> clymbd by degrees until he was an Earle."

The second of the Councillors, Bishop Voysey, was a person of some note; between 1525 and 1534 he had been President of the Council of the Marches; earlier still he had been commissioner in the inquisition on enclosures in 1517–18. Under him much of the property of the see of Exeter was alienated; one of the Chapter Act Books has the inscription:—"contains the alienations of Bishop Voysey". There is also a grim notice of him in Hoker's *Exeter*[2]:—"he when he had consumed the bishoprike of her landes Dyed sodenly in a pange at his house of Sutton Colshill[3] 1555 and was there buryed". Voysey readily carried out the King's commands as to holy days; in October, 1539, he admonished his archdeacon to endeavour to root out certain abuses; artificers and labourers left their work every

[1] The article on Russell in the *Dict. Nat. Biog.* wrongly gives 1540 as the date of his appointment as President.

[2] Hoker's *History of Exeter* (*Devon and Cornwall Record Society*), p. 236.

[3] *i.e.* Coldfield.

Saturday "after the right custom and usage of the Jews from noon till evensong"; fishermen would not go to fish on certain Saints' days, and shoesmiths would not shoe a horse on St. Lewis's day, nor would carriers carry hay and other things necessary to the use of man.[1] A few vivid pictures of this Tudor bishop can be formed from casual references in the *Letters and Papers*. For example, John Worth writes to Lady Lisle (15 May, 1539), that the Bishop of Exeter came to London on Saturday with eighty horses in a livery, lighted at my lord Privy Seal's gate at St. James's and spoke with him. At his departure he gave twenty nobles in reward to the officers of the house.[2] The members of the Council in nearly every case had some connection, family or official, with the West Country. Several served on commissions of the peace, commissions for *oyer and terminer*, for musters, for assessing and collecting contributions. Sir Thomas Denys was many times High Sheriff of Devon and for thirty years he was Recorder of Exeter, where his coat-of-arms is still to be seen in the Guildhall on the north wall. Sir Piers Edgcombe was Sheriff of Devon in 1528 and the same office was held thrice by Sir Hugh Pollard and once by Richard Pollard. Richard Pollard was also made chief steward of the Marquis of Exeter's forfeited lands (1539). Many of the members beside the Lord President had to their advantage taken part in the recent dissolution of the monasteries.[3] The member

[1] *L. and P. Hen. VIII*, vol. xiv, pt. ii, 342.

[2] *Ibid.*, pt. i, 967.

[3] Sir Thomas Arundell had acted with Tregonwell as a commissioner for suppression of religious houses and had received the tithes of the Scilly Islands, which had formerly belonged to Tavistock Abbey, also the house and site of the College or Chantry of Slapton. Sir Thomas Denys, who had been much employed by Cromwell, had gained the site of Buckfast Abbey. Sir Piers Edgcombe had tried to secure the temporalities of St. Mary's Priory, Totnes, and also of Cornworthy Abbey. Sir Hugh Paulet was surveyor of lands in various counties in the king's hands through the attainder of Abbot Whiting of Glastonbury; he had a fee of £20 per annum and diets of 13s. 4d. when occupied in the courts or about the accounts. Sir Hugh Pollard, one of the twenty-two children of Judge Lewis Pollard, had been employed to take the surrender of religious houses and had a lease of Torre Abbey. His brother Richard was "an especial

of the Council who appears to have been least closely connected with the West Country was Thomas Derby; he seems to have given little attention to his duties as secretary, for he held various other offices, being Clerk of the Privy Council, Clerk of the Privy Seal and Secretary to the Queen (Anne of Cleves). In the Augmentation Office Books are several entries of £20 granted to him. He was clearly a man of the New Learning; in the *Letters and Papers* there are two documents in his handwriting, one a theological treatise, the other "a summary declaration of the faith, uses and observations in England". In the latter he remarks complacently on the disappearance of the old "fabulous and fantastical books of the Table Round, Launcelot du Lake, Huon de Bordeaux, Beves of Hampton, Guy of Warwyk, the Quatre Fils Aymon, Calisto and Melibee, and such other".[1] There are several other references to Derby in the *Letters and Papers*, but few throw any light on his work as Secretary to the Council of the West. Neither at Woburn Abbey nor at the Bedford Estate Office, Tavistock, does there seem to be any trace of the Register in which he was directed to record the Council's decrees.

It is now time to turn from the composition to the proceedings of the Council. On April 12, 1539, a commission was issued to John, Lord Russell, President of the King's Council in the counties of Somerset, Dorset, Devon and Cornwall, and the county of the city of Exeter, and Thomas Derby, to receive recognizances in the above counties for appearances before them and before the justices and for good conduct and for preservation of the peace, and to enrol the same.[2] A few weeks earlier Cromwell had been

favourer of Cromwell" and a visitor of religious houses. As one of the King's general surveyors he superintended the destruction of many monasteries in the North, East and West, he received a grant of Combe Martin, and according to a correspondent of Lord Lisle, he "rules all now in Devonshire". He had been active in the destruction of the shrines of St. Thomas at Canterbury and St. Swithun at Winchester, and had been the principal witness in 1537 against the Abbot of Glastonbury.

[1] *L. and P. Hen. VIII*, vol. xiv, pt. i, 402.

[2] *Pat. Roll Hen. VIII*, p. 2, m. 21d. and 22.

asked to "send Lord Russell post towards the West where he is appointed".[1] Early in April Russell wrote to Cromwell from Sir Thomas Denys' house beside Exeter saying that he was going to Dartmouth and so westwards. He was evidently not greatly pleased with the prospect before him, for he added :—"The bishop of Exeter is sore diseased with the gout ; I pray you be a suitor to the King that he may tarry here this parliament time. It would be a pleasure to me : for when Sir Thomas Dennys and other gentlemen of the country are come up, I shall have no company".[2] Russell's request was not granted, for, despite his infirmities, the Bishop contrived to be in London in May, 1539, and the Lords' Journals show that he was several times present in Parliament. Russell's sojourn, lonely as it was, seems to have given pleasure in Devon, for Serjeant Rowe writes to Cromwell : "Devon and the West Country is singularly well content with lord Russell's coming thither, as they find him a man of substantial wit, great experience, wisdom and gentle nature. His being here will be to the great quiet and comfort of our parts". He hopes that Cromwell will cause him to come again soon.[3] A little later Sir William Godolphin writes to Cromwell that he had brought his servant, William Swadell, before Lord Russell, and made him write his confession, as he would bide by it at his peril.[4] At the end of August Maud Graynfyld, writing to her aunt, Lady Lisle, says she has been with Lord Russell. "We have ofttimes drunk to you and so hath Lord and Lady Russell. I have never been so gently entertained in my life as by him."[5] In mid-September Russell writes to Cromwell that as yet they have much business in hearing of causes, but he hopes that these shall be abated by a fortnight after Hallow-tide, when he intends to address him towards the court and see the King, the Prince and Cromwell.[6] An indication as to the judicial work of the Council in 1539 is to be found in Cromwell's Remembrances, probably for October, "Letters

[1] *L. and P. Hen. VIII*, vol. xiv, pt. i, 590. [2] *Ibid.*, 685.
[3] *Ibid.*, 686. [4] *Ibid.*, 928. [5] *Ibid.*, pt. ii, 106. [6] *Ibid.*, 371.

to be sent with the copy of the indictment against Sir John St. Low's men to lord president Russell, with strait commandment to proceed to justice".[1] Early in November Russell was at Exeter,[2] on the 16th he was at Wells, when he wrote to Cromwell that the criminals about whom Cromwell had written had been condemned and four of them executed.[3] On the same day Richard Pollard wrote to Cromwell respecting the death of Abbot Whiting of Glastonbury: "he took his death patiently, asking pardon of God and the King for his offences and desiring Pollard's servants to ask him and my lord President to mediate with the King for his forgiveness." Pollard adds: "Lord Russell goes to-day from Wells towards London".[4]

Thus there is ample evidence of the activity of the Council in 1539. Nor is evidence lacking for 1540; in January Sir Giles Strangways and others wrote to Lord Russell addressing him as "President of the Council in the West parts," respecting a robber who had been indicted at the Blandford quarter-sessions, and had been delivered to the under-sheriff to bring up to the King's Council, and was now in the Tower; his burglarious implements were sent to Russell in a sealed bag.[5] One of the most noteworthy indications of the Council's work occurs in a letter of Russell's, 8 February, 1540, to Thomas Trevethan:—

"The King having appointed a Council to hear and determine causes in the West Parts, I with others, being at Tavistock when the King's Council sat there, one John Polwhele sued a writ under the Privy Seal for the said West Parts against you, upon which you have not only not appeared, but have since maliciously brought an action at common law for the same matter against the said Polwhele. I counsel you to commence your action within the King's court there, and you will be sure of justice."[6]

Henceforth references to the Council in the *Letters and Papers* are very few; Russell's duties first as Great Admiral of England, later as Keeper of the Privy Seal, his partici-

[1] *L. and P. Hen. VIII*, vol. xiv, pt. i, 399. [2] *Ibid.*, 455.
[3] *Ibid.*, 530. [4] *Ibid.*, 531. [5] *Ibid.*, vol. xv, 95. [6] *Ibid.*, 180.

pation in the French war of 1544, and his attendance at the Privy Council Board must have left little time for judicial work. But as late as 1543 there is an entry in the *Letters and Papers* dealing with fees :—

"Lord Russell president of the Council in the West, fees and diets of that Council for three quarters ended St. John's Day a° 32, warrant 31 March a° 31, £927 10s. 0d."[1]

It is just possible that in August, 1545, Russell was acting as Lord President when he took order to prevent a "headlong search" for priests in Devon and to stop it in Dorset and Somerset.[2] In the indexes to the *Letters and Papers*, 1539 to 1547, Russell is styled President of the Council of the West, and the title appears on his monument in Chenies Church, though by a curious blunder he is styled "Lord President of the Western Portes, after (*i.e.* afterwards) Lo · Highe Admirall to King Edward 6th". "Portes" should be "Parts" and "Edward 6th" should be Henry VIII.[3]

Of definite evidence as to the cessation of the Council there is very little. On January 31, 1547, three days after Henry VIII's death, it was decided at a meeting of the Privy Council that Lord Wriothesley should immediately "make out new patents to all the Justices of the realm and of Wales, to the Barons of thexcheker, to the Presidents of the Counseilles in the North and in Wales, Justices of the Peaxe", etc.[4] On February 2 the Privy Council ordained (Russell being present) that letters "for a good eye to their neighbours and sedicious persons" should be sent to various persons, including the Presidents of the North and Wales, and the Earl of Bath, Sir Thomas Denys, Sir Hugh Pollard, and Sir Hugh Paulet for the good order of the shires near unto them in the West.[5] These entries prove conclusively

[1] *L. and P. Hen. VIII*, vol. xviii, pt. ii, 231, p. 125; *cf.* vol. xiv, pt. ii, 236 (9) and vol. xvi, pt. i, 745, ff. 32, 33.

[2] *Ibid.*, vol. xx, pt. ii, 159, 186, 190.

[3] Lipscomb: *History of Buckinghamshire*, vol. iii, p. 256.

[4] *Acts of the Privy Council*, vol. ii, p. 6.

[5] *Ibid.*, p. 11.

that the Council of the West had ceased to be; responsibility for good order in the West is laid not on Russell, but on the Earl of Bath, and three persons who had formerly served under Russell as Lord President.

The only positive evidence so far forthcoming as to the cessation of the Council is furnished by Coke in the *Fourth Institute*[1] :—

> "And it appeareth in the Subsidy in Anno 32 H. 8 cap. 50 that H. 8 raised not only this President and Councell (sc. in the North) but a President and Councell also having like authority in the Western parts, pretending it to be for their ease to receive justice at their own doors, but they of Cornwall, Devon, etc., desirous to live under the immediate government of the King and the common law opposed it. *Et sic Commissio illa evanuit*: which Commission under the Great Seal we have seen."

Coke's statement is likely enough to be true, judging from the similar opposition offered to the Council of the Marches, but little or no confirming evidence can as yet be found.[2] Even if men were bold enough to put in writing their complaints against the Council's jurisdiction, it is unlikely that these have survived. If they had, they would assuredly have been utilized in the great Marches case of James I's reign, when the four Border counties sought exemption from conciliar jurisdiction, and when chronicles and records were ransacked for supporting arguments. The writer is indebted to Dr. Holdsworth for a suggestion based partly on the letter of Lord Russell (February 8, 1540) respecting Polwhele's action at common law.[3] About 1540 Henry was anxious to conciliate his subjects, as was shown by the passing of the Statute of Wills. He would not think it worth while to stir up trouble by actively supporting a council which

[1] Ed. 1648, p. 246.

[2] It is possible that friction arose between the Council and the civic authorities of Exeter which had been made into a county in 1537, and may well have resented its inclusion within the Council's jurisdiction. Similarly Bristol, in 1561 or 1562, gained exemption from the jurisdiction of the Council of the Marches (Seyer: *Memoirs of Bristol*, ii, p. 238, § 3).

[3] *See ante.*

aroused ill-feeling. He knew well enough the strength of the common lawyers, for in 1536 he had been obliged first to frighten and then to conciliate them, in order to get the Statute of Uses through the House of Commons.[1] There is no reason to think that Russell would feel aggrieved by the cessation of the Council of the West; through his great landed possessions and the high offices he held, he had the substance of power whether he fulfilled the duties of Lord President or not; indeed he could not have failed to find the legal business of the Council extremely irksome, and he was doubtless much more in his element inspecting fortifications than hearing suitors.

An outline of the history of the Council can thus be sketched from the Instructions and from scattered references in the *Letters and Papers of the Reign of Henry VIII*; some additional details are furnished by reports of legal cases and by local records. In the Star Chamber case, *Delton v. Bowreman*, 1544,[2] incidental reference is made to the Council of the West. John Delton, customary tenant of William Bowreman, parson of Croscombe and canon of Wells, was called before "the right honourable lorde Russell at Wells then president of the kynges most honorable counsaill in the parties of the Weste." Russell committed the examination of the matter to John Clarke (Clerk), Bishop of Bath, and a member of the Council of the West. Ultimately the case came before the Star Chamber. Another case in which reference is made to the Council of the West was published by Mr. Leadam in his *Select Cases in the Court of Requests*. In 1535 the Earl of Bath seized from John Burde the elder and John Burde the younger goods to the alleged value of £400, although their ancestor had been manumitted by the Earl's great-grandfather. The plaintiff did nothing for four years, probably owing to the expense of legal proceedings, but in September, 1539, he petitioned the Council of the West

[1] *See* Dr. Holdsworth's article in the *Harvard Law Review*, xxvi, p. 108.

[2] *Som. Rec. Soc. Star Chamber Cases in the reigns of Henry VII and Henry VIII*, pp. 230 ff.

and secured an order for restitution of goods seized. The Earl not only disobeyed the order, but effected a further seizure, whereupon the plaintiff and his son appealed to Sir Thomas Denys, Sir Hugh Pollard, Richard Pollard and Serjeant Rowe, who ordered obedience to the former decree. The Earl remained obdurate. Three times over the plaintiff procured a writ of Privy Seal, the last one threatening a fine of £200 in case of disobedience. Finally in 1544 his goods were restored. But in 1551, after sustaining yet another seizure, he petitioned the King in the Court of Requests. The Earl's defence was that his ancestor, who had enfranchised the plaintiff's ancestor, had exceeded his legal rights, inasmuch as he was only a tenant in tail and therefore unable to enfranchise for more than the term of his own life. The result of the case is not known, but the details illustrate the need for extraordinary courts in the Tudor period.

Additional illustrative material may naturally be looked for in the records of cities and towns within the Council's jurisdiction. According to the Reports of the Historical MSS. Commission there is nothing relevant at Bodmin, Launceston and Wells. The Dorchester Records calendared by Mr. Mayo have nothing to the purpose. The writer was informed by the Steward of the Duke of Bedford's Office at Tavistock that no material bearing on the Council is to be found there. In the Calendar of the Plymouth Municipal Records there is one entry (Old Audit Book, under date 1538–9):—

> Item p^{d} for a Carpytt gevyn in the Townes name to my lady Russell at my lords welcome to this Contrey vij^{li}
> (Lord Arundell came to the town as well as the lord president and salutes were fired.)

The place from which most might be hoped was obviously Exeter, and during the Easter vacation of 1921 the writer searched for information in the Diocesan Registry, the Chapter Clerk's Office, the Muniment Room at the back of

the Guildhall, and the Public Library, which contains not only a valuable collection of local books and pamphlets, but also some most useful transcripts of the Receiver's Rolls, made by Mr. E. Chick.

The Exeter Episcopal Registers, together with a mass of other documents, are at present housed in two fire-proof cellars under the Diocesan Registry in the Close. In Bishop Voysey's Register there are two letters that have some bearing on the Council of the West. One is a letter to the Bishop from the King, 24 June, 34 H. VIII (1542), asking that Sir Thomas Denys "our trustye and right welbelovyd Counsailor" may have Crediton Park. In the *Dictionary of National Biography*, as in Prince's *Worthies of Devon*, Denys is called a privy councillor; but he is never styled privy councillor either in the *Acts of the Privy Council* or in the *Letters and Papers*, though he is mentioned as privy councillor to Anne of Cleves in 1540, two years before the date of the above-mentioned letter. It is possible, therefore, that Henry refers to Denys' membership of the Council of the West. On the next page of the Register is a letter (printed in Oliver's *History of the Bishops of Exeter*) from Lord Russell, at Hampton Court, to Bishop Voysey, in which the following passage occurs:—

"My lord amonge others I am complayned unto by dyverse of the kinges subiectes of Devonshire and Cornwall of there (*sic*) greate disquyettnes and trouble by Reason they are compellyd to sue here so farre of (*sic*) for redresse of theire iniuryes and wronges w'th the w'ch they fynde them sellves moche grevyd as undoubtedlye they have no lesse cause. My lorde as towchynge that I wulde right gladlie knowe yor best advyse and what yow thinke to the redresse thereof. And even so shall I not faylle to be a suter to the Kinges highnes for the purchase of theire better quyettnes therein."

This passage perhaps confirms Coke's statement that the Council came to an end owing to the complaints of those who upheld common-law jurisdiction. They apparently got their way, but the poorer folks suffered through lack of legal

redress near at hand; *their* view of the Council of the West would have agreed with George Owen's view of the Council of the Marches as "the very place of refuge for the poore oppressed of this Country of Wales to flie unto".

In two of the Chapter Act Books (Heynes and Heynson) occur the names of various members of the Council of the West:—Lord Russell, Sir Thomas Denys, Sir Thomas Arundell, Sir Hugh Pollard and Richard Pollard; but their chief value lies in the light they throw on the alienations of the property of the See during Voysey's episcopate, when from one of the richest sees it became one of the poorest.

The City Muniments furnish details respecting the President and Council of the West which have not been previously used. Mrs. Rose-Troup kindly told the present writer that she remembered an allusion to the Council in Hoker's *Commonplace Book*. This is fully described in Dr. Wylie's *Report on the Exeter MSS.*, p. 340; part of it consists of City Annals with extracts from the Mayor's Court Rolls. Under the mayoral year 1538–9 (f. 344) the following entry occurs:—

"Also Sr John Russell Lord Russell and Comptroller of the King's howse came yn to theise west partes as Lorde president of the same. he had the whole Abbey of Tavestoke geven unto hym with the demeanes of the same where he laye for the most parte and in this Citie hyringe and determyninge of causses brought before hym. he travelled all the coastes and sea sydes comaunding bullworkes and blockhowses to be made yn sundry parties where he thowght good and most meete for defense of the realme."

The Receiver's Rolls furnish some additional details [1]:—

30–31 H. 8.

f. 19S. It'm for vj ounces of (*sic*) di. (*i.e.* and a half) of synamud' for my lord Russell — ij^s x^d
It'm for ij ounces of clowes (*i.e.* cloves) — x^d
It'm one ounce of gynger — iiij^d

[1] Vol. xviii of Mr. Chick's transcripts preserved in the Exeter City Library.

f. 199. It'm payd for the bancket that Mme Mayres and her systers made to my lady Russell xxxij^s^ vj^d^

f. 200. It'm payde to Beryman for ij oxen geven to my lord Russell. iiij^li^ xj^s^

31–32 H. 8.

f. 227. In p'mis p^d^ to Mr. Rowpe for ou'seyng of Bonyfaunt's wretyngs before my lord p'sydent iiij^s^ iiij^d^

This last entry may refer to the execution of John Bonefaunt, an attorney, for treason, in Southernhay, outside the City wall, in August, 1539; full details are given in Hoker's *Commonplace Book*, and if correct, they show how under the treason laws of Henry VIII an innocent man could be done to death to satisfy a neighbour's cupidity. The Receiver's Rolls contain allusions to Lord Russell's house in Exeter and to his request that a tilt-yard should be made in Southernhay. Several members of the Council of the West are mentioned, especially, of course, the Recorder of Exeter, Sir Thomas Denys, also Serjeant Rowe, Sir Hugh Pollard, Richard Pollard, and Lewis Fortescue.

To sum up:—The Council of the West was probably instituted with a two-fold purpose, to check rebellion and to provide much needed legal facilities in the Western parts, especially for poorer persons. Lord Russell and various local gentry committed to the new order of things gained some accession of dignity by the institution of the Council, and some poor suitors at all events seem to have been benefited. But the Council's activity lasted a short time only; at the outside, five years. Lord Russell was absorbed in many other duties, and no Vice-President seems to have been appointed; according to the Instructions a Vice-President could be appointed in case of the President's illness, but nothing is said about his absence. Possibly the Council's activity was checked by Cromwell's death in 1540. It may be that the unpopularity of extraordinary jurisdictions with the common lawyers forced Henry to allow the Council to fall into abeyance; he would not wish to arouse their hostility, and the maintenance of a Council that was allowed

£1,000 a year for diets would be a difficult matter in the war years of 1544–5. The West certainly remained quiet during the later years of Henry VIII's reign, though discontent blazed out in the reign of his son. The history of the Council, imperfect as it is, furnishes yet another illustration of two points in Henry VIII's character, his adroitness in leading his people, as Prof. Pollard puts it, in the way they wanted to go, and his readiness to yield when resistance would have entailed loss of popularity. It may be added that though the title "President of the Council of the West" is not found after Henry VIII's reign, yet that office may well have contributed something to the office of King's Lieutenant in the West, held by Russell in 1549, though his duties were then military, not judicial. The grouping of several counties was continued in the reign of Philip and Mary, when Francis the second Earl of Bedford was Lord Lieutenant of Dorset, Devon, Cornwall, and the city of Exeter.

Finally, the question may be asked, why did the Council of the West come to so speedy an end, while the other two local Councils endured for generations? Perhaps the answer is this; the other two were in a sense natural growths, having their roots deep in the past, and their background is the whole history of the Scottish and the Welsh Borders. But the Council of the West was an artificial, imitative thing, and therefore quickly succumbed before local opposition.[1]

[1] The grateful acknowledgments of the writer are due for much help and kindness received from the following both before and during her visit to Exeter:—Lady Radford, Mrs. Rose-Troup, Rev. J. F. Chanter, Mr. E. Chick, Miss Easterling, Prof. Harte, and Mr. Lloyd Parry, Town Clerk of Exeter.

ILLUSTRATIONS OF THE MEDIÆVAL MUNICIPAL HISTORY OF LONDON FROM THE GUILDHALL RECORDS

By A. H. Thomas, M.A., Clerk of the Records, Guildhall

Read March 10, 1921

The title of this Paper, which was suggested to the present writer many months ago, was framed in rather vague terms in order to afford him an opportunity of selecting a particular topic at his leisure. It would be no easy matter to deal with the whole subject,—to catch in a single lecture the spirit of mediæval London, or to speak adequately of a mass of Records, which even for this restricted period, are very numerous. Happily, as regards the latter, something has already been done. Some sixty years ago Mr. H. T. Riley contributed to the Rolls series four volumes containing the essential matters in the *Liber Custumarum and Liber Albus*, two custumals of the fourteenth and fifteenth centuries, which are a treasury of information for the student ; a life's work, directed by fine scholarship, is represented in Dr. R. R. Sharpe's Calendars of Wills in the Court of Husting, his Calendars of Coroner's Rolls and Mayor's Correspondence, and the nine volumes of Letter Books abstracted by him ; and other portions of the City's Records have been freely quoted in standard works on social, political and economic history. In view, therefore, of the abundance of evidence available for those well qualified to interpret it, I trust you will allow me to take a narrower and more modest subject, yet within the wide boundaries of the title given. I propose to deal

with a series of Records hitherto unpublished, and owing to the lack of indexes, very little consulted—namely, the Records of the Mayor's Court. If a general indication of their contents fails to illustrate mediæval London life, it may still be of use to draw your attention to a series of documents rich in material and worthy of study.

The Mayor's Court of the City of London is now shorn of much of its ancient glory. With a jurisdiction somewhat wider than that of a County Court, though of no greater importance, it is the scene to-day of small commercial disputes which rarely touch the imagination. But historically considered, it represented the high-water mark of success attained in the general attempt made by mediæval towns to stand apart from the main current of national life. The strong Norman and Plantagenet Kings, in their work of consolidating a nation amid the inchoate elements of mediæval England, had to deal with two hindrances: the active opposition of the feudal baronage, and the static resistance of the towns. The feudal element was quickly overcome. From the thirteenth century onwards, whenever the baronage rebelled, its grievance was seldom concerned with the strength of the Crown, but with its temporary weakness and inefficiency. The towns, on the contrary, were little concerned with ideals of good government. Their world lay within their own walls. They sought to avert Royal interference by periodic bribes, to retain their own customs and legal procedure, to exclude both the law of the realm and the officers of Royal justice, to be left alone to prosper on their industry and trade. There has been a disposition, partly arising from enthusiasm for Parliamentary government, to consider the towns a nursery of constitutional progress—"Not the Universities," says Miss Kate Norgate, "but the towns were the true stronghold of English freedom [1] . . . little indeed as the burghers may have dreamed of any such thing, the highest importance of their struggle for

[1] Miss Kate Norgate: *England Under the Angevin Kings*, ii. 468.

municipal liberty lies in this, that its fruits were to be reaped by a far larger community than was enclosed within the City walls ".[1] In a sense it may be true that habits of self-government among a comparatively small privileged class in the towns played a part in the political education of the people. But the impression left on the mind by the records of mediæval London seems to confirm the cooler and more tempered judgment of Dr. Stubbs : " It is by no means easy to ascertain the definite amount of political consciousness which underlay the municipal struggles of mediæval England. . . . It has already been remarked more than once that the battle of the mediæval constitution so far as it was fought in the House of Commons, was fought by the Knights of the Shire ". And as regards the towns . . . " there are some reasons for doubting whether political foresight was to any considerable extent developed among them ".[2]

That the citizen was not insensible to patriotic feeling is evidenced by the large grants of money and the numerous contingents of ships and men-at-arms contributed by the City of London during national emergencies. Moreover, he was capable of extreme personal loyalty to the Crown, approaching, as in the case of Henry V, to blind hero-worship. But for the most part his thoughts were concerned with his shop, his warehouse, his Mayor and Aldermen, and the local laws under which his ancestors had prospered ; and to the educative process whereby the Crown taught the people to think nationally he consistently opposed his chartered rights and ancient privileges.

In no particular is his attitude more clearly seen than in the history of the City Courts. By obtaining from Henry I the right of nominating his own Justiciar and sheriff, the citizen made a bid for jurisdiction over serious crimes within the City.[3] But the justiciar soon disappears[4] and the

[1] Miss Kate Norgate : *England Under the Angevin Kings*, ii. 472.
[2] Stubbs : *Const. Hist.*, iii. 635. [3] *Liber Custumarum*, fo. 187.
[4] J. H. Round : *Geoffrey de Maundeville*, where evidence is given relating to the several Justiciars.

sheriff is deprived of his judicial functions by Magna Charta, their place being taken by the King's Itinerant Justices. The citizens are able to avert the latters' visits, so long a period as forty-four years elapsing between one Iter and another,[1] and to prevent their sitting within the City itself. The Guildhall is denied to the Justices of Gaol Delivery, who are allowed no closer approach than the Old Bailey, and, in fact, the Patent Rolls record few instances of their sessions before the reign of Edward I. But the Crown is too strong, and finally all that the City retains is the right of *infangenthef*, of hanging a felon caught with the mainour of stolen goods upon him—a right they exercise when it is long obsolete elsewhere,[2]—and of having the Mayor [3] and Aldermen named in every commission of Gaol Delivery and Oyer and Terminer at the Old Bailey. As regards Civil jurisdiction, the ancient Court of Husting dealt with Pleas of land within the City, and with mixed actions mainly relating to land, until procedure changed and the ancient City customs were disused, when litigants drifted to the Royal Courts. In the matter of personal actions, however, arising in the City between citizens and citizens, or between citizens and foreigners or between non-citizens, we see in the Mayor's Court a jurisdiction which rivalled the Courts of Chancery and Common Pleas. For five centuries the City authorities were able to punish any citizen who carried an action into the courts of Common Law, and to maintain a legal procedure peculiar to themselves. In the eighteenth century a City writer, detailing the several actions which could be tried there, could say proudly, "In short, this is the most extensive Court of the Kingdom; for all that is cognisable in the several courts of England is the same in this".[4]

Of the origin of the Mayor's Court no record remains. Obviously it was not in existence as such before 1193, when

[1] A.D. 1275–1321. [2] Letter Book, F, fos. 217–225b.
[3] City Charters: First Charter of Edward III, 6 March, A.D. 1327.
[4] *Laws and Customs of the City of London*, A.D. 1765, p. 162.

the first mention of a Mayor occurs.[1] Thomas Emerson, in his treatise on London Courts of Law, published in 1794, hazarded a shrewd conjecture that the Court came into being, in the reign of John, when the first signs of a division between Crown and Common Pleas were appearing in the King's Court, reaching its final form in the reign of Edward I, when the whole frame of the judicial polity of England was new modelled.[2] Certainly, in 1272, when the Records of the Court of Husting begin, personal actions are no longer heard in that Court, whereas in the first of the nine Rolls of the Mayor's Court, extending from A.D. 1297 to 1307, such actions are part of the Court's ordinary work. It dealt at that time or subsequently with actions arising out of the Common Law such as debt, detinue and covenant to any amount, slander, malicious prosecution and assault, as well as with matters coming within the special City customs, including apprenticeship, orphanage, trading by women, and offences against the City ordinances. And it may well be, as Emerson suggests, that the Court had been engaged on this work for close on a century before.

As regards procedure, an account is to be found in a book compiled towards the close of the fifteenth century by a Town Clerk of Bristol, Robert Ricart, which has been published by the Camden Society[3]; and several learned treatises of the seventeenth and eighteenth centuries show its later developments.[4] The subject of Borough Custom as a whole has been dealt with by Miss Mary Bateson for the Selden Society. I mention these helps because Court Rolls as a class only yield their full meaning after some preliminary study of the legal terms in which they are phrased, and perhaps these early difficulties are more marked

[1] J. H. Round: *The Commune of London*, p. 235. Add. MSS. 14252 fo. 112d.

[2] Thomas Emerson: *Courts of Law of the City of London*, A.D. 1794, p. 7.

[3] Camden Society: New Series V, A.D. 1872, *Ricart's Kalendar*.

[4] Henry Calthrop: *Reports of Special Cases*, A.D. 1670. Strype's *Stow*. John Greene: *The Priviledges of the Lord Mayor and Aldermen*, A.D. 1722. Bohun's *Privilegia Londini*, A.D. 1723, etc.

in the case of the City Records than of other documents. As a compensation, Court Rolls give a closer and more faithful picture of contemporary life than Acts of Parliament or City Ordinances. As there are few matters on which the interests of men are not in conflict, so the settlement of their disputes covers a wide range, including information sometimes of a curious and unexpected kind.

Among the most frequent enrolments in this early series are those concerning foreigners. By the law of the City foreign merchants were not allowed to remain more than one month during which to sell their goods wholesale either to magnates of the realm or to citizens.[1] They were indeed permitted to hire cellars and warehouses to store their wines and other merchandise, but not as residences.[2] To these rules exception had been made in the case of the Easterlings or men of the Hanse of Almaine[3] and men of Cologne,[4] each of whom had their Guildhall near Dowgate. The men of Rouen possessed a private wharf from the time of Edward the Confessor,[5] while the merchants of Amiens, Nesle and Corbie had been exempted from the rule against hostels, on condition that their stay lasted no longer than a year.[6] All other foreigners, including in that term English traders not free of the City, were regarded merely as birds of passage.

Doubtless many foreigners were reputable merchants, but the Rolls show them using every kind of evasion, both to escape the Sheriffs' customs, and to enjoy the profits of retail trade. English non-freemen were induced to open inns and lodging houses in the City and to avow foreign goods as their own. Thus, in 1298, a certain Aneswote was

[1] *Lib. Cust.*, fo. 43b, quoted from Mayor's Court Rolls.
[2] Letter Book, C., fo. 48b.
[3] Plea & Memoranda Rolls, A 4, mem. 4.
[4] *Lib. Cust.*, fo. 42a.
[5] J. H. Round: "Origin of the Mayoralty, etc." *Archæol. Journal*, vol. 50, p. 259.
[6] *Lib. Cust.*, fo. 40. Cf. Letter Book, B, fos. 35–36; confirmed and enlarged, G, fos. 25b–26b; a new agreement, K, fo. 33.

attached to answer the Commonalty of London in a plea that she was a foreign inn-holder entertaining foreigners, from whom she bought Ryns wine to sell retail to citizens and foreigners, and that she allowed the latter, under cover of her house, to sell ginger, woad, wool, cloth and other commodities.[1] After the sales these goods were secretly conveyed to the Thames by night and taken by boats to Westminster for distribution in the country,[2] thus evading the Sheriffs' officers at the gates of the City.[3] But not only did foreign inn-holders pass themselves off as inhabitants, for freemen of London acted as unlicensed brokers between foreigners and freemen,[4] or foreigners and foreigners,[5] and in case of question, declared the goods as their own property. Another Englishman is charged with hiring a boat and meeting foreign ships at Greenwich, from which he unloaded bundles of wax for secret conveyance into London by night, the gravamen of the charge in this case being that the bundles contained base foreign money.[6] These are types of numerous cases illustrating at once the exclusive attitude of the citizen towards the competition of foreigners and the ingenious attempts made by the latter to gain a footing in the retail trade, as well as the practical working of Edward I's commercial policy. How far that King acted on any conscious design of enriching his country on the principles of free trade is a moot point. He was deeply indebted to foreign merchants, especially to the Lombards, and the concession of privileges was a ready means of replenishing his exchequer. But if his persistent efforts to clear the channels of commerce are due to that wise statesmanship which is seen in his other public enactments, there is no sign of any appreciation on the part of the citizens. They were conscious only of a competition, which seemed generally unfair, and was conducted by methods of a lower moral standard than their own.

[1] Mayor's Court Rolls, A, mem. 3.
[2] *Ibid.*
[3] M.C. Rolls, E, mem. 6b.
[4] M.C. Rolls, B, mem. 5b.
[5] *Ibid.*, mem. 6.
[6] *Ibid.*, mem. 4b.

The excellence of English coinage was acknowledged throughout the Middle Ages. Foreign merchants exported gold in large quantities and flooded the country with base foreign money, that was either clipped, alloyed or counterfeited. When the importation of such coin was forbidden by statute in 1299,[1] they introduced it wrapped up in bales of merchandise. The King attempted late in the same year to cope with the prevalence of this money by Writs [2] to the effect that after Christmas "pollards" and "crocards," as the coin was called, should no longer pass as being of the value of a penny, but at two for the sterling. Of course, these measures simply threw the loss on those Englishmen possessing the money, and the result was an immense increase in the cost of living, while the foreigner discovered other means of enriching himself at the expense of his hosts. In the many cases in the Rolls, one can note the consequences acting and re-acting on every phase of the City's life. As many contracts had been made before the proclamation reducing the face value of pollards, citizens could claim with a fair show of justice that they were entitled to pay in the coin then current.[3] Those who had supplied goods, on the other hand, urged that the implied condition of all bargains had been payment in recognised English sterling. At the same time, we have cases of chandlers, curriers, tanners, fishmongers and others, who either refused the base money altogether [4] or demanded double prices under the agelong idea that they were entitled to throw their losses on their customers.[5] When charged, they pleaded the increased costs of production.[6] Others, again, concealed their goods, hoping that time would remedy their difficulties, thus creating an artificial scarcity, from which the whole City suffered. A further attempt was made by the King to improve the situation by forbidding citizens to melt down the base money, and ordering them to bring it to the King's

[1] Statutum de Falsa Moneta, "Statutes of the Realm," i. 131.
[2] *Lib. Cust.*, fo. 95a; Letter Book, C, fo. 38b. [3] M.C. Rolls, C, mem. 3b
[4] *Ibid.*, mem. 5. [5] *Ibid.*, mem. 4. [6] *Ibid.*, mem. 5b.

Exchange at the Tower, where not its face value, but the actual value would be paid to them.[1] This, of course, meant a loss of at least half, which the more timorous dare not face. Finally, three years later the foreign money was altogether forbidden and those who still possessed it sustained a total loss. The two latter measures were undoubtedly sound economics. But the total result was an obvious transfer of national wealth abroad, leaving the citizen with solid reasons for his instinctive dislike of foreigners.

To judge from a case recorded in 1301, the demeanour of the foreigners themselves was not calculated to assuage this dislike. The well-known Italian Company of Spine appear to have possessed a hostel in Lombard Street, where they were seated at supper on the Saturday before the Feast of St. Margaret. All unmindful of their English serving-man, John Long, they discussed the war between England and France, praising the French King, and abusing the English King as a weakling and no warrior. The servant began to murmur, then to grumble, and finally pressed forward to the table to defend his nation. In the affray which followed, he wisely fled from the swords and misericords of the Italians to take refuge in the Church of St. Edmund. When the awakened neighbours crowded round, the Italians greeted them in the vernacular as "English-houndes," and then losing courage at the reception of these words, fled to their hostel, which they barricaded with stones, until the Mayor appeared. A jury of the venue, which made inquest on the matter, declared that members of other Italian Companies, the Ponchi, the Friscobaldi, and the Cercle Noir were equally guilty of causing uproars, and had beaten quiet citizens and insulted women, with other conduct "in contempt of the English".[2] It is an affray typical of many others recorded during the century, in some of which large numbers of Italians and Flemings were slain.

[1] *Lib. Cust.*, fo. 97a; Letter Book, C, fo. 39b.
[2] M.C. Rolls, D, mem. 12b.

But though the citizens made frequent complaints to the King, the Lombards were too useful as bankers to be seriously interfered with. The Friscobaldi are found, in 1311, collecting the King's dues from other foreigners under the New Custom, and discharging the debts of Edward II and his father.[1] Even London merchants availed themselves of their services. Cases appear in Court which show that they could purchase letters of credit from the Italians which would be honoured in almost every trading city abroad.[2] At this period, apparently, the native English had little taste for banking, and managed their credits by a cumbrous system of recognisances. Moreover, they were strongly under the influence of ecclesiastical ideas, which regarded the lending of money in usury as sinful.[3] Towards the end of the century, however, signs are found in the Records that merchants had begun extensively to practise chevesance.[4] It consisted, in the City, in a fictitious sale of certain goods, which the purchaser sold in turn to a third party, entering into a bond to pay the original vendor a sum considerably in advance of that for which he had disposed of them.[5] The City authorities, for the time being, found no difficulty in exposing this simple scheme, and in forcing the London merchant to employ his surplus capital either in the purchase of landed property or the development of his own business.

Manufacture was, in fact, the mainstay of the mediæval Londoner. He lived by producing and selling objects of demand, rather than by financing others, or carrying goods. Though we hear of wealthy shipowners, the small cogs and barges of the Port of London were not more numerous than those of Plymouth, Fowey and Bristol, and the bulk of the carrying trade seems to have been done by foreigners. As regards his manufacture, in spite of many recorded cases

[1] Stubbs: *Const. Hist.*, ii. 323; Letter Book, D, fo. 134b.
[2] M.C. Rolls, D, mem. 1.
[3] Stat. 15 Ed. III, cap. v.; Letter Book, G, fos. 107, 108b, 256b.
[4] Letter Book, H, fos. 30b, 31b, 35b, 36, 36b, 155b, 159b, 188b, 260.
[5] P. & M. Rolls, A 49, mems. 7–12, where the cases are fully set out.

of fraud, the references show a general desire for sound and honest workmanship, which formed at least one of the elements represented in the formation of the Livery Companies. Much has been written on this subject, but much remains to be done in tracing or distinguishing the secular and religious sides of their organisation. The later ordinances granted by the Mayor and Aldermen to the crafts in the reign of Edward III generally make no mention of the religious or fraternity aspect, and it has been argued that the earliest trade associations were entirely secular in character. If the Mayor's Court Rolls do not solve this problem, they give at least early material which should help in its solution. The attitude of the Mayor and Aldermen was one of watchfulness; on the one hand they are ready to aid the crafts in securing a good standard of work, and are not unsympathetic to the fraternity associations of the members, but they are suspicious of organised attempts to force up prices, and they make a firm stand against any recourse to the ecclesiastical Courts to enforce the performance of oaths. In 1299 a number of Smiths were brought into Court and charged, that whereas no Parliament [1] can take place relating to the Kingdom without the King and his Council, nevertheless the defendants privily by the imposition of a corporal oath made a Parliament and confederacy, and the confederacy was such that if any one offended against any citizen, the others would support him, and that no one was allowed to work with any others than themselves, and for this purpose they had a casket for their contributions, which casket was in Court, and also that they impleaded persons who had offended them before the ecclesiastical Courts in lay pleas, and that they had drawn up a Charter about these matters. The Smiths were very secretive about the Charter, which disappeared during the proceedings, but they admitted that they had made an ordinance that no one should work at night because of the unhealthiness of coal [2] and damage to their neighbours,

[1] "Parlaymentum." [2] "Propter putridinem carbonis marine."

that their doors should be closed all the year at the first stroke of curfew at St. Martin's the Great, and that none of their households should wander through the streets against the Mayor's proclamation. They had made a casket so that each master of the trade of Smiths could put a farthing a week therein to maintain a wax taper to the honour of the blessed Mary and St. Laudus, and also for the relief of any of the Trade who should fall into poverty. Their explanation was accepted and they went quit.[1] As far as I am aware, this is the earliest mention of the mystery of Smiths, then apparently in process of formation, and it shows the craft or mystery element side by side with the guild or fraternity element, or, more correctly, intermingled and depending one upon the other.

A few months later a spurrier complains of his fellows that they had made an ordinance and confirmed it by touching the Gospels, that no one of their trade should do any work between sunset and sunrise, should take an apprentice for a term of less than ten years or with a premium of less than 40*s*., or should work for any one not sworn to their ordinance. In case of dispute between a spurrier and any one outside the trade, one of the defendants had promised to do justice without the aid of any servant of the King. The Plaintiff declared that he had been charged for disobedience before the Officiary of the Archdeacon of London, and after being three times warned, was expelled from the Church and excommunicated. The case ended in a compromise, and the confederacy was condoned, because none of the allegations had been submitted to a jury.[2] Here, again, is evidence for the formation of a craft in which both the religious and the secular elements are inter-dependent.

The remaining cases relating to the crafts are concerned purely with trade disputes. A number of persons, who probably represent the rulers of the Craft of Coopers are committed to prison for an organised attempt to raise the

[1] M.C. Rolls, B, mem. 6.

[2] M.C. Rolls, C, mem. 2b.

price of barrel hoops.[1] The weavers were charged with a like offence by the burellers, who are said by Riley to have been makers of coarse cloth or borel, and spinners of yarn, but who appear in our Rolls as middlemen employing weavers.[2] In a complaint of the cordwainers and cobelers against members of their own crafts, the City authorities are seen co-operating for the purpose of ensuring a good standard of work. Seven members of the former craft were sworn to make a view of all workmanship, and to present to the Court for punishment those who fraudulently mixed bazon or sheepskin, and cowhide, with oxhide either in the manufacture of shoes or in their repair.[3]

Though a selection has been made of matters relating to industries which bulk most largely in the Rolls, they do not exhaust the information contained in them. Fleeting glimpses are caught of almost every aspect of mediæval life in the reign of Edward I. English merchants, whose goods had been captured in Brabant, pray the Court to attach the goods of Brabantine merchants in London as a reprisal or withernam.[4] A knight sues another knight for return of the horses lent to him for the War in Scotland.[5] The Queen of Navarre brings a Plea of Account against a former steward.[6] Foreigners are punished for hawking small articles such as mirrors and glass,[7] and citizens for forestalling supplies before they reached the markets.

Other entries introduce us to the Friars who inveigle a rich orphan to enter their Order by the trick of asking him to translate into Latin "I oblissh me to be a Frere of the Croys"; [8] to the quarrelsome housewife who assaults the City collectors; to the horsedealer,[9] who is loud in praise of his animals and silent as to their defects; and to the fraudulent baker who is drawn, with his loaf round his neck,

[1] M.C. Rolls, A, mem. 5b.
[2] M.C. Rolls, C, mem. 3; D, mem. 8.
[3] M.C. Rolls, A, mem. 5b.
[4] M.C. Rolls, C, mem. 15b.
[5] *Ibid.*, mem. 7b.
[6] M.C. Rolls, E, mem. 6.
[7] M.C. Rolls, A, mem. 2.
[8] P. & M. Rolls, A 30, mem. 1.
[9] M.C. Rolls, C, mem. 7.

on a hurdle through the streets to the sound of minstrelsy, and appears next day in Court to answer for an assault on the tabor player.[1] A Rector of St. Margaret's, Lothbury, is found attempting to cure lupus, in homœopathic fashion, by applying the flesh of wolves.[2] A familiar figure is the London apprentice, who beats the watch and picks a quarrel with the servants of passing noblemen and ecclesiastics, indulges in forbidden buckler-play, and in his lighter moments sets a cask with stones in it rolling down the cobbled incline of London Bridge to the terror of the neighbours.[3] These and others, both strangers and citizens, appear for an illuminating moment in the record of their cases, and doubtless have a place in any estimate of mediæval life and manners.

The short series of Mayor's Court Rolls closes with the year 1307. A solitary Roll for the year 1377, consisting of charred fragments, suggests the fate which overtook the remainder during the Great Fire of London. How soon the practice arose of filing the Bills of Complaint, put in by litigants, there is no evidence to show. But beginning with the later years of Edward III, a series of such files continues till the eighteenth century, together with a mass of allied documents, of which no further mention need here be made.

The story of the Mayor's Court is to some extent resumed in 1324 by the 101 Plea and Memoranda Rolls, which extend to 1484. They appear to have been kept by one of the attorneys of the Court, their purpose being explained by their title. As they are not true Court Rolls they do not contain the short entries of appearances, distraints, essoins

[1] M.C. Rolls, C, mem. 6b.

[2] M.C. Rolls, C. mem. 1. A century later surgery was still as primitive. In the Plea & Memoranda Rolls we have the case of a barber-surgeon who knows no better cure for a severed artery than a hot iron, and enters at length into the history of the case to prove that his treatment had been carried out with due observance of the fluxes and refluxes of the signs of the Zodiac, his defence being supported by the several Masters of the Arts of Surgery and Physic in the City. A 52, mem. 5.

[3] M.C. Rolls, E, mem. 4.

and appointments of attorney, which make the latter rather tedious reading. They consist, in fact, of such selections from the proceedings of the Mayor's Court and elsewhere as seemed to the writers worthy of remembrance, because they formed precedents or were notable in themselves. The clerks interpreted their duties widely. They will include cases from the Husting or the Chamberlain's Court, or from the Inquests of Affrays made by the Sheriffs and Coroner. Royal Writs and the Mayor's returns are given, lists of citizens who subscribed to Royal aids, fishing rights in the Thames, letters from the King and prominent persons and a host of other matters. Apparently the clerks were well acquainted with the Letter Books, which on occasion they supplement with matters there omitted, adding a marginal note "Plus de ista materia in Libro B," etc. There is reason to believe that a few of the Rolls belong to other series, and that the whole collection represents but a part of what once existed. As they stand, they cover roughly the fourteenth and fifteenth centuries, and alike in the interest and variety of their contents, rank next to the Letter Books.

In the first two Rolls, composed almost entirely of letters, light is thrown on the attitude of the City in those political struggles which terminated the reign of Edward II and imperilled the first years of his successor. It was the fate of the City of London more than once to play a decisive rôle in political affairs, but not spontaneously. Private citizens might adhere to Simon de Montfort, open the gates to Wat Tyler and Jack Cade, or wear the white Rose, but the responsible authorities never initiated a political movement and rarely joined one until its success was almost assured. This appearance of time-serving, it is just to explain, was often due to deep-rooted sentiments of loyalty, coupled with a certain unreceptiveness towards new ideas, and to a feeling that the considerations of politics concerned the magnates of the realm, and lay outside the province of traders. Nevertheless, the possession of the City was often

vital. Thus, there are letters from Isabella,[1] from Edward III and the rebel Earl of Lancaster,[2] desiring their favour. Edward III, in 1328, writes demanding an account of the visit paid to London by the Bishop of Winchester and Thomas Wake,[3] to which reply is made that the rumours of conspiracy within the City are unfounded.[4] Three months later, in December, 1328, the young King writes again enclosing particulars of all that had passed between himself and the Earl of Lancaster—the charges made by the Earl and his own replies—in order, as he said, that the citizens might judge for themselves of the rights of the quarrel between them. The Earl had recently removed from Leicester to Kenilworth and was marching in force against him, wherefore he desires that the Mayor shall in no wise assist the Earl. These particulars the Mayor was desired to have publicly read at the Guildhall.[5] In answer the Mayor reports that this had been done and that some of the Earl's supporters had been present, and had taken the opportunity of explaining his position, but the King might be assured of the City's loyalty. Sixty years later, when the struggle between political parties in the Kingdom seems to have been in some unexplained fashion interwoven with faction fights between the rival guilds in London, there are letters from John of Gaunt in the same key bespeaking the favour of the City for his supporters.[6]

The majority of the letters, however, are directed to the authorities of other towns on behalf of citizens whose goods had been seized, or who had been forced to pay unlawful toll, and in all these cases the Mayor shows himself extremely pertinacious in upholding London rights, and it is notable that he threatens, not the penalties of the law, but reprisals, a fact which illustrates the semi-independent position of the towns. London merchants apparently

[1] P. & M. Rolls, A 1, mem. 12. [2] *Ibid.*, mem. 28.
[3] *Ibid.*, mem. 23b.
[4] But see Stubbs: *Chron.* Ed. I & Ed. II, introd. i. p. cxx.
[5] P. & M. Rolls, A 1, mem. 31. [6] P. & M. Rolls, A 27, mem. 3b.

journeyed far, for Southampton, Winchester, Yarmouth, Kidwelly, Drogheda, Bruges, Ypres, Bordeaux, Genoa and Florence among others are called to account for goods or ships intercepted and rifled. The strength of the Mayor's position as head of a wealthy community, able to enforce his penalties, is seen in the peremptory tone which he allows himself to use towards a Count of Hainault.[1] No small part of the interest of such entries consists in their evidence as to the condition of mediæval shipping and the safety of the coasts, on which additional information is given by lists of ships supplied by the City in times of national emergency, and by cases in the Mayor's Court relating to cargoes.[2] The Londoner of the fourteenth century preferred to sail the seas in small and handy boats, clinker built, with one large lug sail and a crow's nest above the mast. Primarily designed for merchandise, they were fitted with fighting decks both fore and aft, on which cressets burned by night.[3] There were a few large ships such as the *Christopher* of London, which was captured by the French and retaken at the Battle of Sluys in 1341. But the general type was the cog or barge of 40 to 150 tons burden, with a good beam and a canoe stern. From such a ship, the *Cog Thomas*, Edward III wrote that despatch after his victory which is preserved in the City Records.[4] When stating his wants to the Mayor, he sometimes even asks for fluynes[5] and scummars,[6] low draft boats of 20 tons and less. The names[7] and crews[8] of many such vessels are given:—*La Jonette* of London, *The Cog of All Hallows*, and the *Seint Marie Cogge*, the last being the property of William Haunsard, the Sheriff of London, who arrived at the Battle, so the French Chronicler tells us, at the hour of Tierce and "did much good".[9]

I am conscious that it is only possible to touch in a

[1] P. & M. Rolls, A 1, mems. 27, 30.
[2] P. & M. Rolls, A 15, mem. 3. [3] P. & M. Rolls, A 32, mem. 1.
[4] Letter Book, F, fo. 39. [5] *Ibid.*, fo. 37. [6] *Ibid.*, fo. 22.
[7] *Ibid.*, fo. 3. [8] P. & M. Roll, A 3, mem. 19d.
[9] Aungier's French Chronicle (Riley's transl.), 277.

very cursory and disconnected fashion on the many matters mentioned in the Rolls. Much might be said of the London man-at-arms who is seen passing to the Scotch Wars,[1] to Gascony, or to Crecy [2] and Poictiers,[3] dressed in red leather jerkin covered with mail, with bascinet and visor on his head, iron collerettes and steel gauntlets, and armed with cross-bow, quiver and quarrels. Sometimes a contingent is mounted, and as the superiority of the English longbow asserts itself, the City is called upon for archers,[4] who practise in the Finsbury Fields. Froissart tells us they were dangerous when once their blood was up, and slaughter on the field only gave them fresh courage. The Church is represented by much detail concerning the Rectors of the Parishes, the Chantry Priests, and the several orders of Monks and Friars, whose morals engage the attention of the City Fathers on more than one occasion.[5] Enough to say that there is hardly a citizen or stranger, from the great nobles, lawyers and ecclesiastics, whose town houses lay in the narrow streets among those of the citizens, down to the sellers of rushes and the cooks and piemen by the waterside, who does not make at least a momentary appearance.

It is, however, to one of the peculiar usages of the Mayor's Court, namely, the custom of foreign attachment, that we owe an extraordinary amount of information on the material side of London life. By this custom,[6] when a plaintiff brought an action for debt, and the debtor had no goods in his own hands, whereby he might be attached, but goods or money owed, in the hands of a third person, who was called the garnishee, the Court would sequestrate such goods, and in case the garnishee made no denial, attach them. If the debtor pleaded to the suit and found bail, the attachment would be discharged. But on failure so to do, the Court would order the goods to be valued and

[1] P. & M. Rolls, A 1, mem. 34. [2] P. & M. Rolls, A 5, mem. 27b.
[3] Cal. of Letters, fo. 67. [4] P. & M. Rolls, A 5, mem. 3b.
[5] Especially during the reigns of Richard II, Henry IV and Henry V.
[6] *Laws and Customs of the City of London*, A.D. 1765, pp. 113–140.

delivered to the plaintiff in satisfaction of his claim, unless the debtor within a year and a day put in his appearance. There were also two other common actions, which necessitated inventories—the actions of detinue and account. An orphan or an orphan's husband might sue the executors and administrators of the father's estate to render in Court an account of their trust. This custom and these actions were of constant occurrence. Accordingly there are inventories of every kind of goods, the stock of goldsmiths, clothworkers, armourers and other merchants, as well as the contents of houses from the attic to the buttery. From the point of view of economic history such information is of value. As regards the social student, it supplies the material setting of mediæval life. We may take as an illustration of a London home that of Richard Toky,[1] who was a moderately successful grocer or pepperer and Member of Parliament for the City in 1358. His home in 1390 was of the usual type, consisting of a hall or living-room, a solar or chamber, pantry and buttery, counting-house and storehouse. In the hall, the principal features were a table with trestles, a sideboard painted in designs to hold cups, another painted cupboard, and two occasional tables of spruce, two chairs for the master and mistress with tapestry dorsers and bankers for back and seat, of "blod" colour, or cardinal red, and three benches also upholstered in the same tapestry for the household. There was an iron candelabrum swinging from the ceiling and an iron candlestick, and two pairs of andirons on the hearth. On one or other of the tables stood five basins and three washbowls for ablutions before and after meals. On the walls were hangings of light and dark red worsted in strips. Of pictures there were none, ornament being supplied by several pole-axes, a cross-bow with tackle and a lance and shield. Scattered about were some twenty cushions, all upholstered in the same light and dark red as the wall hangings. As no mention is made of a carpet, we may conjecture that

[1] P. & M. Rolls, A 33, mem. 1b.

the floor was strewn with rushes in the fashion of the time.

The chamber or solar for the use of the family was probably divided by partitions, since there were at least six beds, the best being provided with three mattresses, a feather bed and bolster, and a canopy in bright red worsted, with a coverlet of red and green striped silk, lined with buckram. The walls were hung with strips of cloth painted in designs, alternating with orange-coloured tapestry. There was a little press for the master's caps and a bench covered in green. Apparently colour in violent contrast suited the æsthetic needs of the time. Another four beds were less elaborate, having respectively canopies of worsted, serge embroidered with roses, green, and painted cloth. The sixth bedstead was of red and scarlet, with a canopy of the same. All had feather beds, of which three needed repair. To each there was a pair of linen sheets, while towels were represented by lengths of linen and cotton. Only one bench is mentioned, but four linen chests with covers were doubtless used as seats.

As for wearing apparel, inventories rarely distinguish between masculine and feminine attire. Probably the long list of gowns and other articles belonged to Richard Toky—there is no doubt with regard to two pairs of iron greaves, a pair of spurs, two lances, gauntlets and three wallets. He retired to rest in a silk vest, silk night-gown and cap, and by day had choice of the following :—A gown slashed with russet and furred with lambswool, another of russet with a hood, a gown of black wool teasled, a fur-lined overcoat, two gowns of scarlet, furred with grey squirrel, and one of russet, furred with brown squirrel, a gown and tunic of scarlet, another of violet, a cloak of scarlet, lined with blanket, eight or ten kirtles of violet, russet, and blanket, one otter fur and one white fur, ten caps and a beaver hat, five pairs of shoes, two pairs of mittens, and finally a slashed gown of the Grocers' Livery—altogether an extensive wardrobe for an elderly merchant.

In a chest were kept objects of value, signet rings of

gold and silver, a pair of ivory writing tablets, three dishes with silver covers, one goblet made of a cokernut with silver foot and cover, one hardwood cup, bound with silver, likewise with silver foot and cover, and four other wooden cups, probably of maple wood, bound with silver, thirteen silver spoons, three baselards or daggers, a belt with horn and sling all harnessed in silver, with silver buckle and pendant, a pearl brooch, two pairs of coral beads with an Agnus Dei, and two pairs of amber beads, and finally a vernicle or pilgrim's token, to show that Richard Toky had journeyed to Rome.

The articles in the kitchen, pantry and buttery call for no further remark than that these offices were well stocked with interesting utensils of copper, latten and pewter. In the store-house were saddlery and such broken odds and ends as accumulate in every home. We may perhaps see in the counting-house or study some nearer reflection of the owner's tastes. An iron-bound chest held his deeds, and on the table stood his moneybox, penbox and inkhorn, a quire of paper and a sheet of paper with a painting on it. The liability of every citizen to serve the King is seen in a further list of weapons and armour—four bows and eighteen arrows, a bascinet and a steel cap with visors, breastplates, a pauncher, greaves, and vambraces and rearbraces. The owner's piety is suggested by an image of the Blessed Mary in alabaster and another of St. John the Baptist. As for literature, it is represented by a single volume—a copy of the Statutes of England, which was doubtless sound, but not inspiring reading.

Such were the possessions of a middle-class Londoner in 1390, revealing domestic conditions of a ruder and simpler kind than those enjoyed by the Flemish and Dutch burghers of the period. At a time when painting shows the latter in possession of rich hangings in harmonious colours, finely framed mirrors, panelled walls, and Persian carpets, the English merchant still dressed in coarse russet, and was content with a house no better than that of his

PROVIDENCE COLLEGE LIBRARY

forefathers. He had few intellectual interests, and the art he found in the mediæval churches was not reflected in his home.

But in the inventories of the next century one can mark the growth of wealth, art, and luxury, the increasing taste for books, the greater variety of textile fabrics, and the new comfort that invaded domestic life. Read in conjunction with the wills in the Court of Husting and other sources, which indicate his religious feelings and superstitions, his civic desires and ideals, his occasional political leanings, his faults and failings and virtues—the purely material details of the inventories fall into their proper place, and will constitute an integral part of that picture of the mediæval Londoner, which some scholar may yet paint for us out of the Guildhall Records.

NOTES FROM THE ECCLESIASTICAL COURT RECORDS AT SOMERSET HOUSE

By Francis W. X. Fincham, Superintendent of the Department for Literary Enquiry in the Principal Probate Registry

Read January 13, 1921

When I had the honour of being invited to read a paper before this Society on the above-mentioned records, I hesitated to accept, but the consideration that for the last 60 or 70 years these records have been practically inaccessible to students prevailed. Only quite recently, however, following upon a request made to the President of the Probate and Divorce Division to allow a particular series amongst them to be consulted, this position has been somewhat modified. Some of the cases quoted in this paper may in consequence be already familiar to my audience. The recent publication of Miss Eleanor Trotter's *Seventeenth Century Life in a Country Parish*, taken, it is true, chiefly from the records of the Quarter Sessions which dealt with certain cases instituted in the first instance in an Ecclesiastical Court, has given us a picture of social parish life more vivid and illuminating than any I can hope to conjure up as the result of these researches. The records I propose to treat of in this paper have their counterpart in almost all of the Episcopal and Archidiaconal Courts in England. The form of procedure in all is practically identical, but the historical interest of the records preserved in Somerset House is, I venture to think, somewhat greater. Under Section 89 of the Court of Probate Act of 1857, the Judge of the Probate Court had power to requisition from Ecclesiastical custody any books wholly or mainly of a testamentary nature, and under Section 66 of the Divorce Court Act,

1857, the Secretary of State had power to requisition all matrimonial records. This last power seems to have been exercised only in the case of the Consistory Court of London. Among the records so requisitioned are to be found many which, strictly speaking, do not come under either category. Some, doubtless, were transmitted in error, but in many instances the explanation may be that the then custodians were not sorry to be relieved of their custody. The non-accessibility to students of records other than testamentary has been, in some measure, due to the view taken by the authorities of the Court of Probate that the Registry was not a Public Record Office, and that it was no part of their duties to make these records accessible to the public; neither were they properly provided with the means of doing so. The matrimonial records have, moreover, always been regarded as of a private character.

At some period anterior to the transfer of the Commissary Court of London Correction Books to Somerset House, Archdeacon Hale compiled and published, in 1847, a book the title of which is as follows: *A series of precedents and proceedings in Criminal Causes*, 1475–1640, *extracted from Act books of Ecclesiastical Courts in the Diocese of London*, by William Hale Hale, M.A., Archdeacon of London. 1847, published by Francis and John Rivington, St. Paul's Churchyard, and by Saunders and Benning, 43, Fleet Street. As far as I can ascertain he appears to have examined the Correction Books of the Diocese of London from 1475 to 1539. One book of Acts of the Consistory Court of London, 1540–44. One book of the Vicar-General, 1554–55, which does not appear to be one of the series bearing the title in Somerset House with one or two books for London, 1562–3 and 1639; but though Archdeacon Hale, in his introductory essay, distinctly states that he had perused the Act Books for St. Albans, I do not find any examples given. As his book can be consulted at the British Museum, I propose to give only a very few examples from them in the course of this paper.

The Ecclesiastical Records preserved in Somerset House with which I propose to deal, consist of the following series:

Books of Acts (which include Corrections).
Assignation Books.
Depositions.
Libels, Allegations and Sentences.

The earliest book in the series in Somerset House is a Deposition book of the Consistory Court of London, which begins in 1467. Some series begin as late as 1670 There are no Sentence books prior to the Restoration. Some of the series end about 1760, others go down to 1817. There are of course gaps. To see a particular case through it is sometimes necessary to consult each and all of the above series, but in many cases the records are wanting.

Briefly the procedure of the Ecclesiastical Courts was as follows: [1] The offender was summoned into Court by writ of citation, and on his appearance the libellum or charge was brought in and proffered to him. If the charge was denied, a sworn personal answer was exacted from the Defendant, though the plea might contain criminal imputations, and he might thereby confirm the accusation against himself. This was known as the *ex officio* oath. If denial of the charge was continued, the Plaintiff or Promoter of the suit was required to produce witnesses in support of his case. A term probatory was allowed by the Judge (Dominus). Witnesses, when produced, could be examined in secret. The same course would be pursued for the Defendant's witnesses. Finally the depositions on either side would be published and read and the Case decided by a Definitive Sentence in writing. The record of these various stages or juridical acts constituted the books of Acta. This scheme of practice was made up of a series of Interlocutory Orders technically called Assignations, and was identical in character with that of the

[1] Coote: *The Practice of the Ecclesiastical Courts.*

Roman Consistory. They made up the Series known as the Assignation Books.

The Deposition books, as their name implies, contain the depositions of witnesses on either side; also the personal answers of the principal parties and others to the Interrogatories put by the Judge.

The Libellum or libel was the actual charge brought, the Allegation was the counter reply. These, together with the Sentences in the Consistory Court of London, constitute a series of 50 books, extending from 1670 to 1817.

The office of the Ecclesiastical Court was twofold, Criminal and Civil, or Office of Corrections and of Instance. The first dealt with such matters as defamation of character, brawling in church, refusal to attend the Parish Church and receive the Communion, bigamy, fraud, usury, witchcraft, keeping of houses of ill fame, heresy, and all offences against the moral law, whether by laymen or clerics. Many of these cases would to-day come before a Police Court, and, as a matter of fact, in the seventeenth century and earlier, were referred to the Quarter Sessions. The latter dealt with Matrimonial and Testamentary matters. Nothing is more striking in perusing the records of the Ecclesiastical Courts than the fact that, in spite of the portentous religious changes of the sixteenth century, which are reflected not only in wills, but in every other description of contemporary records, the procedure of these Courts went on practically unchanged down to the passing of the Act of 1857, which relieved the Ecclesiastical Courts of their Matrimonial and Testamentary jurisdiction.[1] The Canon Law on which it was based was the creation of learned foreign ecclesiastical jurists, and was international rather than national, forming part of the *Jus Commune* of all Western Christendom that owned the Papal sway. In England the Ecclesiastical Courts date their origin from the Conquest, when the Civil and Spiritual Courts were severed by an

[1] J. T. Tomlinson: *Lay Judges in Church Courts.*

edict of William the Conqueror, though they had been fully established on the Continent from the days of the Emperor Theodosius. "From the simple text of the Codex Theodosianus, in which Bishops are pronounced to be the proper judges in all cases 'quoties de religione agitur,' the Ecclesiastical jurisdiction here, as on the Continent, received a liberal amplification in succeeding ages from the voluntary concessions of the Civil Government."[1]

"Appeal lay from the Archdeacon's Court to the Bishop's Court, and from him to the Archbishop, and thence to the Pope, not only as an ultimate Court of Appeal, but as an omnipotent Court of First Instance in Christendom. 'Dominus Papa judex est ordinarius singulorum,' and the Pope could and did delegate his authority in this country, usually to some English Ecclesiastic, and was also represented by the resident Legates, and finally clothed the Archbishop of Canterbury with legatine authority, with the result that it was sometimes uncertain whether the Archbishop was acting with Metropolitan or Legatine authority. Fuller, the Church Historian, says: "When the Pope's power was banished out of England his Canon Law, with the numerous books and branches thereof, lost its authority in the King's Dominions". The study of Canon Law was banished by Henry VIII from both Universities. Nevertheless, this same Canon Law is still the Ecclesiastical Law of the Established Church of England, as it escaped the very drastic amendment proposed by the "Reformatio legum Ecclesiasticarum", which was authorised by an Act passed in 1549, empowering the King, by the advice of his Council, to compile such Ecclesiastical Laws "as should be thought convenient". Owing to long delays and the death of Edward VI before any conclusion was arrived at, this never became law. Had it done so, Divorce, in the modern sense of that term (with freedom to re-marry), would have been sanctioned for

[1] "*The Practice of the Ecclesiastical Courts.*" Coote.

adultery, desertion, cruelty, by the Ecclesiastical Law of the Church of England, and judicial separation abolished *in toto* as prejudicial to morality. As a matter of fact, so far as I have been able to ascertain, not a single case of divorce (in the modern sense) is to be found recorded in the Ecclesiastical Courts before or after the Reformation. To quote from Poynter's *Practice of the Ecclesiastical Courts on Marriage and Divorce*, "the Marriage Contract, according to the Law of England, is indissoluble for any cause whatever". The term "Divorcium a vinculo" often occurs in the Matrimonial Books, but on examination is found to be nothing more than a declaration of nullity *ab initio*. The principle of the indissoluble nature of marriage was always upheld by the Canon Law of the Ecclesiastical Courts before and after the Reformation. The inability of the Ecclesiastical Courts to enforce their own decrees save by calling in the help of the Civil Power, the abolition of the *ex officio* Oath in 1661 and the refusal, through jealousy, of the Civil Courts to enforce an Ecclesiastical bond, led to their ultimate decay and undoing.

Before proceeding to give illustrations from the books preserved in Somerset House, I might mention that Archdeacon Hale, in the preface to his book, remarks that he at first felt considerable disappointment at discovering the trivial nature of many of the offences for which people were presented and his inability to trace many trials of historical importance, of notable Lollards, heretics, and others. He suspects that in these cases the Articles of accusation and Depositions, when all reduced to writing, were preserved together as being too bulky for entry in the Act Books, though a few important cases were afterwards transcribed into the Bishop's Register. It is very disappointing, for instance, to find no trace of the proceedings taken in the Consistory Court against Dr. Donne for his clandestine marriage with the Lord Keeper's daughter, whereby he very nearly ruined his subsequent career, or of the proceedings for the divorce, or rather declaration of nullity, of the

marriage of the Countess of Essex with her husband, in the reign of James I, to enable her to marry the infamous Earl of Somerset. There is, however, consolation in the thought that these so-called trivial cases best illustrate the conditions under which our forefathers of the sixteenth and seventeenth centuries lived.

The first case I propose to give concerns the poet Ben Jonson, of whom it is recorded that he was imprisoned for killing a fellow-actor in a duel in 1598. While he was in prison he embraced the Catholic Religion, but only to abjure it after the Gunpowder Plot. He is presented on a charge of teaching the Catholic Religion to youth. This is remarkable, as at that period it is known he enjoyed the full confidence of King James' Government, and had, as a matter of fact, been employed by the Earl of Salisbury as a secret agent to unearth the authors of the plot. This is borne out by a letter in the poet's own handwriting to Salisbury, now extant in the Public Record Office, in which he mentions the fact that he has endeavoured without success, through the help of the Chaplain of the Venetian Ambassador, to get into communication with a certain man, but the person he sought to confer with could not be found.

St. Anne's Blackfriars

Cōn. of London Corr. Bk. 1605–6 [1]

"Presented that they refuse not to come to divine service but have absented themselves from the cōion being oftentymes admonished wch hathe continued as far as we can learne ever since the King came in. He is a poett and is by fame a seducer of youthe to ye popishe religion. 20th April 1606 compt dictus Benjamin Johnson tam nōie suo quā uxoris sui, humiliter petit absolutionem a sententia excōis ālis contra eos lata. Cui dnīs objecit detectiones respondenti—that both he and his wife doe

[1] Benjamin Johnson et ux. dicti poi.

goe ordinaryly to church and to his owne parish churche and so hath done this half yeare but for their receyving he sayeth he hathe refused to receive the cõion untill he shall be resolved either by the minister of the parishe or some other in the scruple he maketh therein, but his wife he sayeth for anything he knoweth hathe gone to churche and used alwayes to receive the cõion and is appoynted to receyve the coion to morrow Touching the last part of this presenting for his seducing of youthe, he utterly denyeth both the fact and fame thereof or ever going about to seduce or perswade any to the popish religion

Unde dñs facta p eum fide de parendo juri et stando mandatis eccliē Anglicane, Dñs eos absolvit; and for his and his wife's going to churche that he bring certificate under the minister Mr handcler and the churchwardens hands of their diligent and ordinarie going to churche to divine servis and sermon hereafter the first Court daye of the next terme, and of their so continuge. Touching his owne not receyving, for that he alleagethe sōm scruple of conscience wherein he desyrethe to be satisfyed, and haveing as he confesseth heretofore byn of sōm other opinion in Religion wch nowe uppō better advisement he is determined to alter, he desyreth such learned men to be assigned unto hym to confer w^t^ all, he promising to conforme himselfe according as they advise hym and pswade hym w^t^[1] . . . the judge doeth name unto hym Mr Deane of Paules, Dr Monford one of the Residentiaries, the D: Lovell and Mr Pasfield, My L: of Cañt. his chapline, wth whom he sayeth he hath some acquaintance, D: Spenc^r^ Vicar of St Sepulchers, and D: Dix pt̃er of St Andrews Undershaft, and he is ordered to attend sōm one of these at his own choys twic a week and certify of his so doing and how he is satisfied and resolved . . . the last Court daye of the next terme. Touching the last pt of the psentment, for as much as he hathe bothe denyed that eũ he went about to seduce any pt̃ē to popery and for he hath utterly denyed the fame

[1] A word is illegible here.

thereof, he neū giving cause thereof and being thereuppō desyrous the Churchwardens or any body should justify howe they can chardg him herein, the Judg doeth decree the Churchwardens and sworn men that p'sented hym to be called into the Court the first Court daye of this next terme to specify what ꝑticulars they have to chardge him touching the same p'sentment, and he the same Johnson is monished to be then there to see farthr ꝑseedings in this cause"

On pp. 321–329 and 334. Ben Jonson and his wife are presented again, he as a seducer of youthe to the popish religion. In the last entry dated 2 June 1606 he is monished to appeare to see further ꝑseedings herein he having denyed bothe the fact and the fame They are bothe to certify of their diligent and ordinarie going to Churche and he is to certify how he is satisfied in the scruple he made of his receyving the cõion by those he was referred unto to conferr wth

This is the last entry I can find in these proceedings. Their sudden termination is very remarkable. It is known that the poet had powerful interest in the Court, and it would seem as if some one had intervened on his behalf, and that proceedings were stayed.

In a Consistory of London Correction Book (Lib. 1605–6) I found the following entry: "Officium dñi contra Marion Frith." The case was so curious I made a note of it at the time for future use, but I should not have realised its full interest but for my colleague, Mr. Gilbert Hudson, who, when I showed it to him, informed me that Marion Frith was no other than the original of Dekker's "Roaring Girl," whom the dramatist took from life. It is recorded of Marion Frith, better known as Moll Cutpurse, that she was "a very tomrig or rumpscuttle, and delighted in boys' plays and pastimes, hating household work of any kind, and that, abandoning domestic service, she gained great notoriety as a bully, pickpurse, fortune teller and forger".[2] The date of this entry is 1605, that of the

[1] *Dictionary of National Biography.*

play 1611. The play was written by Middleton and Dekker, and in the preface to the play, written by Havelock Ellis, in the Mermaid Series, he states that she was about 25 years old at the time she gave her name to the play, and though she was a noted character of the period, and her reputation none of the best, the dramatist has represented her in a very different light. In the words of Mr. Ellis, referring to the play, "She is strong and courageous, indeed, a goodly, personable creature, and her sword is the match of any man's, but it is never drawn save in a good cause. She is frank and free spoken, when among friends the mood takes her: she can even sing a wanton song and accompany it on the viol; but she is modest for all that, and woe to the man who attempts to take liberties. She is acquainted with the shapes of iniquity, but she moves among them uncontaminated and uses the knowledge not to practise but to defeat vice".

The entry is as follows:—

"This day and place the said Mary appeared personally and then and there voluntarily confessed that she had long frequented all or most of the disorderly and licentious places in this cittie as namely she hath usually in the habit of a man resorted to alehouses taverns tobacco shops and also to play houses there to see plaies and proses and namely being at a play about three quarters of a yeare since at ye Fortune in man's apparel and in her boots and wth a sword at her syde she told the company then present y^{t} she thought many of them were of opinion that she was a man, but if any of them would come to her lodging they should finde she is a woman, and some other immodest and lascivious speaches she also used at y^{t} time and also sat upon the stage in the public viewe of all the people there present in man's apparel and played upon her lute and sange a song and she further confessed y^{t} she hathe for this long time past usually blasphemed and dishonoured the name of God by swearing and cursing and by tearing God out of his Kingdome, yf it were possible, and hathe also usually associated herself wth ruffianly

swaggering and lewd company as namely with cutpurses blasphemers drunkards and others of bad note and of most dissolute behaviour wth whome she hathe to the great shame of her sexe oftentymes as she said drunk hard and distempered her heade with drinke: and further confesseth y^{t} she was punished for the misdemeanours aforementioned in Bridewell she was since upon Xt^{mas} day and night taken in Paules Church wth her peticoate tucked up about her in the fashion of a man wth a man's cloake on her to the great scandall of diverse persons who understood the same and to the disgrace of all womanhood and she sayeth and protesteth y^{t} she is heartily sorry for her foresayd licentious and dissolute life and giveth her ernest promise to carry and behave herself and ever from henceforth honestly and soberly and womanly and resteth ready to undergo any censure or punishment for her misdemeanours aforesaid in such manner and forme as shall be assigned her by the Ld: Bishop of London her ordinary: and then she being pressed to declare whether she had not been dishonest of her body and hath not also drawne other women to lewdness by her perswasions and by carrying herself like a bawd, she absolutely denyed y^{t} she was chargeable wth either of these imputations; and hereupon his Lo^{p} thought fit to remand her to Bridewell from whence she now came untill he might further examine the truth of the misdemeanours inforced against her wthout laying as yet any further censure uppon her."

In Lib. 5, 1688, Responsa Personalia (Consistory) occurs a somewhat similar case. One, Annii Pulter, weds Arabella Hunt, having courted her dressed as a man.

There are two striking and typical heresy trials in the books I am dealing with, one occurring in the Correction Book of the Archdeaconry of St. Albans (Pre-Reformation), and the other in a Consistory of London Correction Book (Post-Reformation). The former is concerned with the doctrine of the Real Presence in the Eucharist, the latter with the doctrine of the divinity of Christ. To compare the procedure and wording in the two cases is

interesting. In the first case the sequel was recantation, in the second burning at the stake. In the Pre-Reformation case one John Wodward, of Watford, is the accused. The following verbatim translation from the Latin gives the substance of the charge :—

"Interrogated whether the Eucharist be the body of Christ he (the accused) hesitates (dubitat) and says that it is not the true body of Christ, but in honour and remembrance of the same. The Judge interrogated him as to whether any one was bound to swear to speak the truth about any matters touching the honour of God and the Church and the salvation of his soul, if he were ordered (to do so) by a lawful judge. He answers and says that he is not bound, nor is he willing to swear. Thereupon he is ordered to appear again on Monday, which he does. Being interrogated again concerning the Eucharist he says that he does not believe that it is the body of Christ."

Finally he recants his opinions in the following words, given in English :—

"In the name of God Almyghty, I John Wodward of the parish of Watford, in the exempt jurisdiction of St Albans, confesse and knowledge before you Masters Thomas Burley Bachelor of Law, Thomas Kyngesbury Archdeacon, Commissaries to the most Revd Father in God Thomas Cardinall Archbishop of York, Primate and Chancellor of England, legatt and Comendatarys perpetuall of this Ministery of St Alban, here sitting judicially, and all others being present, that I have believed and openly affirmed these articles erroneous and hereses following contrary to the fayth of Christ and determination of Holy Church. 1st I beleved and affermyd that the very body of our Savior Christ was not present in the sacrament of the Auter or Eucharist but that it was only the figure of it in the memory and honor of hym ; also I doubted whether our Savio^r Christ was born of a Virgin or nott, and said I was not bound to believe it ; the which errors I abjure and consent fully and holy to the doctryne of the Universal Church of Christ etc. I knowledge with

mouth and believe truly in hert and confesse openly wtout variance and vacillation that the very body of our Savior Christ, the which was born of a virgin, crucified for our redemption and descended to hell and ascended to hevyn and shall come at the day of judgment to juge quyk and deed, is verily present in the sacrament of the auter or Eucharist under the forme of brede and wyne; and also I believe that our Saviour Christ was born of a virgin wtout seed of man by the operation of the Holy Ghost. Also I believe that if I be commanded to swear I am bound to swear and answer truely to the same etc.

Penance to walk in the procession cum fasciculo sup humeris.—Date 1528. Also to carry on his shoulder the sign of a fagot so long as he lives.

The following particulars concerning Bartholomew Legate, the last person burnt for heresy at Smithfield, are taken from the *Dictionary of National Biography*. He was born in 1575, and suffered death in 1612. In 1611 proceedings were taken against him and his brother Thomas in the Consistory Court of London. Both were committed to Newgate on a charge of heresy. Thomas died in prison. On the 21st February, 1612, Legate was convened before the Consistory of London, 13 articles of heresy were laid against him, and sentence was pronounced by John King, Bishop of London, and by writ of "significavit," dated March 3rd, he was handed over to the Secular power. James I ordered a writ "de heretico comburendo" under the Great Seal for his execution, which was carried out on the 18th March, 1612.

The proceedings against Legate before the Consistory in our books are dated the 21st day of April, 1610. The proceedings referred to above.

Case of Bartholomew Legate

Lib. 1609–10. Consistory Correction Book (translation).[1]

"On Saturday the 21st day of April 1610 before Richard Father and Lord in Christ George Lord Bishop of London

[1] Officium (dni) c, Bartholemew Legate civitat. London. mercatorem in carcere de Newgate incarceratū.

in the Cathedral Church of St Paul, London, and in the Consistory there judicially sitting, sitting with him the Revd Fathers (*sic*) The Lord Bishop of Durham Lancelot Bishop of Ely and William Bishop of Lincoln also the Venerable Masters John Overall of St Paul's and Thomas Murton Dean of Winchester and S.T.P^s in the presence of me Robert Kemp Notary Public in this cause specially assumed.

On which day appeared personally the said Bartholomew Legate in whose presence the aforesaid Richard Father in God for certain just and lawful causes moving him appointed John Price Not. Pub. of the Canterbury Court of Arches London, one of the procurators general for the necessary promotion of his office against the same Bartholomew Legate, which duty (onus) the said Price, on account of the reverence in that quarter, due took on himself and in putting into motion the said office alleged that the said Bartholomew Legate for diverse years past had wickedly and damnably maintained and asserted certain impious heretical and damnable opinions and blasphemies against the Xt^n and orthodox faith and against the highest and most holy Trinity and (against) our Lord Jesus Xt the 2nd person in the same Trinity and His divinity, in proof of which the said Price exhibited and introduced and left with the registry of this Court three separate schedules written on paper containing the separate examinations and answers of the said Legate made to the questions mentioned in the said schedules et ad oẽm (omnem) juris effectm alleged that the said Legate had been elsewhere thrice examined before the Lords Commissioners of the King for causes Ecclesiastical concerning the questions or interrogatories specified in the said exhibits and that he thus in all things at that time made answer maintained and asserted and affirmed and conducted himself in all things as contained in the said exhibits and so respectively had been exhibited and are faithfully extracted from the Registry of the same Lord Commissioners of the King's Majesty for causes Ecclesiastical, and had been and were respectively subscribed with the own hand of Master

Robert Christian Not. Pub. the deputed Registrar (deputati Regrārii) of the said Lord Commissaries and all and everything respectively contained in the said exhibits had been and are so held conducted and expedited (habita gesta et expedita) as is contained in the same."

Price goes on to state that Legate refuses to renounce his opinions or to seek to be re-admitted into the bosom of the Church. "Wherefore he thereupon (instanter) askes that the said Bartholomew Legate as one impious and blasphemous and heretical be excommunicated from the assembly of the faithful. Whereupon the said Richard made use of many and diverse arguments against his said impious opinions and implored him to renounce his damnable opinions etc and when in no wise he was able to convince him in this matter he peremptorily warned him once twice and three times to reform himself and to renounce his said impious and heretical opinions and the said Bartholomew notwithstanding the aforesaid arguments persuasions and monitions did not revoke his heretical opinions. The judge decrees sentence of excommunication to be published and Letters testimonial to be made sup premissis."

The religious changes of the sixteenth century and the scenes they must have often given rise to are well illustrated in the two following cases. Date *c.* 1551, V.G., Lib, II :—

The office of the Judge promoted by Nicholas Barthram of St Martins Ludgate against Margaret Harbotell

"That on the 11th day of July immediately after Matins was ended the said Margaret Harbotell with many checks & rebewkes did say unto him the said Sir Nicholas that he & such as he is was the occasion that godd did plage the people so, for by cause that they wold not suffer them to pray upon their beeds & thereupon in spite of the Kings injunctions she shoke her beeds at the said Sir Nicholas saing contemptuously that she wold that he shoulde know that she did & wold pray upon her beeds & that men did dye like dogs by cause that they cannot see their maker borne about by the streets as they have seen it in tyme paste

The same Sir Nicholas having in a sermon preached in St Martins Ludgate declared that the Bishop of Rome & whomsoever commandeth to fast or saith that we may not as well eate flesh upon the fasting dayes & Fridayes as any other dayes teacheth devilish doctrine, the people being then in a tumult, one Johanne Hall rebewked the said Sir Nicholas opynly before all the parish saying with a lowde voyce that he the said Sir Nicholas lyed falsely with diverse other contemptuous words checks & rebewks"

The remaining cases I propose to give under the following headings :—

Sorcery and Witchcraft.
Burials of Suicides, Recusants and Plague Victims.
Penances.
Contracts of Marriage.
Recusants.
Miscellaneous.

Sorcery and Witchcraft Cases

The first example is from the earliest Correction book of the Commissary of London, and is given by Archdeacon Hale in his "Precedents." The case occurs on p. 29.

A certain Richard Lankiston of the parish of St Mary Magdalen Old Fish St together with one Margaret Geffrey a Widow of the parish of St Bartholomew the Less are presented concerning certain articles touching the charge of heresy and sorcery in the year 1481 that in the month of January, February, March, April or in one of them that the said Richard uttered these words or words like them to the aforesaid Margaret [2] : "thou arte a pore widow and it were almes to helpe thee to a marriage and if thou wilt do any cost in spending any money thou shalt have a man worth a 1000li. Then replied the said Margaret widow howe may that be. Then said Lankiston my wif knoweth a coñyng man that by his own coñyng can cause a woman to

[1] Translated from the Latin.
[2] Actual words given in English.

have any man that she hath favour to and that shall be upon warrantise for she hath put it in execution aforetyme and this shall cost money. Then replied the aforesaid Margaret I have no goods save two masers for to fynde me my moder and my children and if they were solde and I fail of my purpose I my moder and my children were undone. Then replied the said Richard Lankiston deliver me the masers and I wille warrant thyn enteinte shal be fulfilled. Then the said Margaret delivered unto him 2 silver masers to the value of 5 marks and 10^{d} in money"

On which charges the said Richard and Margaret appeared before us Richard Blodywell LLD and having been first sworn on the holy gospels to answer truly confessed all these things to be true.

Penance : Richard Lankiston to make restitution under penalty of the greater excommunication within 8 days ; which sentence the Judge pronounced nunc pro tunc and tunc pro nunc the rest of his penance reserved till the following feast of St Andrew ; and the said Margaret ordered public penance viz on three Sundays to walk in the procession barefooted with a scarlet hood knotted on her head covered with her kertle bearing in her right hand a candle of the value of one penny.

I might here mention that the earliest books are all in Latin except when the actual words of the defamation, supposed to have been uttered by the accused, are given. The penalties are often not given, the parties being appointed a day or dismissed. They are more formal than those of the sixteenth and seventeenth centuries. Such phrases as gravis diffamator, vehemently suspected, discordii seminator, verba opprobriosa, inhonesta, minatoria, etc., abound.[1]

St. Albans' Correction Book, 1515–1543

P. 15.—"Thomas Gurnett no^{r} q^{d} dixit si maledix^{ꝰ}it arborem nunq̄ʒ portabit fructū nū qʒ foliū ; sed si maledix^{ꝰ}it

[1] This note was given to me by Mr. G. Hudson.

hõi nũ qꝫ ꝑꝑabit; et si osculat̃ fuit̃ mulierẽ vel locut̃ fuerit̃ cũ ea tria v'ba habebit illa; ad ꝑlacitũ suũ comꝑ et negat ar^{lã}"—Ordered to clear himself by compurgators

P. 30.—Johēs Row of Bushey is presented for that he makes use of incantations to cure horses. Asked what diseases he cures he says a disease called the Fassions. Asked what words he makes use of to cure horses he replies as follows: "ꝑpt̃ea deus destruet te in finem evellet te et emigrabit te de tabernaculo tuo et radicem tuam de terra viventium."

These words are evidently addressed to the evil spirit that is supposed to infest the horse.

Asked why he used these words he answers that his father taught him and said that those words would cure a horse and that he wrote the words on a piece of paper and tied it to the mane or tail of the horse. Asked if at the same time he administered any medicine he confesseth he doth.

Penance to walk in procession before the cross of his parish church.

P. 33.—A similar case occurs. The words of incantation in this case are very curious, but unfortunately incomplete and almost illegible. The first lines are as follows:

"We three maydens came over the flood
Wth three chalyces of God's own blood
One was" (illegible) "another stands still there"

He is forbidden to use these or any other incantation for the future and on the following holiday to abstain from bread or drink.

Consistory Correction Books. P. 16, Lib. 1604–5.
County of Essex and Herts

"Christine Fulton Widow of Upminster presented upon a notorious cryme to be a wytche hadd a bad report of great matters that will be alleged against her." (Court held at Stratford le Bow). *Note.* "To be heard of Justices."

P. 69.—"Elizabeth Chapman of Ugley presented for disturbing the Vicar reading David's psalms on Sondaie. She audaciously in the audience of the congregation, prayers being finished, did advise their vicar to leave of his witchery conjuration and sorcery."

Lib. 1611–12

P. 129.—"John Townsend and his wife presented for burning a hogg for witchery upon the Saboth day on Bedfurt heath to preserve the rest of the cattell" (3 cases).

Burials of Suicides, Recusants, etc.

In the Correction and Vicar-General's Books of the London Consistory occur several applications for the burial of suicides. The following is an example taken from a Consistory of London Correction Book, 1612–15:—Anne Gibson (age 16) a maidservant to Thomas Osborne "being in her lifetime of good conversation and one that resorted to church and diligent in hearing God's word did notwithstanding by the temptations of the devill being much troubled with melancholy passions lay violent hands on herself and gave herself a mortal wound by cutting her owne throate wth a knife whereof she died; but did not so ꝑsently dye but that she had some time to call to God for mercie, viz 3 dayes space in wch time she shewed herself very penitent etc"

In one of the Vicar-General's Books, 1607–11, Vol. 10, p. 58, there is a direction from the Bishop of London to his Chancellor and to the Archdeacon of London, "which direction he had received from the Archbishop of Canterbury to take order that no one dying of the plague be buried after 6 (a.m.) nor until 9 (p.m.) no funeral sermons to be preached nor any concourse of people to attend the corps at the time of buryal" (5th April 1609)

On p. 74, however, notwithstanding these precautions, a Licence to bury the body of William Michell, of St.

Matthew, Friday Street, in the parish church (of St. Matthew) is granted, although he died of the plague.

The next case is that of Owen Browne, of St. Andrew's, Holborn, who petitions that his wife now dead of the plague, a *Recusant* and *Excommunicate*, may be buried in the Churchyard of St. Andrew's, Holborn. Order made permitting this on the ground of the necessity "of the speedie burial of persons dying of the plague on condition that it be in a remote place without the ꝑcession walks and all circumstances thereof appointed for burial of persons dying of the plague."

On p. 130 we get an order for the exhumation of the body of Lady Elizabeth Henson (wife of Sr Wm Henson).

P. 159.—Licence for the burial of John Stafford, a Bachelor of Divinity, a preacher of God's word, who in the extremity of his sickness hanged himself. The Burial to be in the parish church of St. Bride, so it can be done without any public solemnity.

Vol. ii., p. 101.—Occurs a Licence to bury a Papist, "one Mary Halley, Widow, of St Austen Paulsgate a Recusante Papiste and she that refused to come to church lying on her deathbed with her family around her petitioned she might be buried in St James' Clerkenwell near her husband (deceased): and notwithstanding she was excommunicate, permission granted and Order made provided the interment takes place at midnight and without ringing of bells and without notice to the neighbours of the time of burial. The Petition states that the Deceased was in her lifetime a sober modest and discreet woman very charitable and full of good works and very penitent for her sinnes and that in her sickness she signified that she trusted to be saved by Christ and not by any good workes of her own.

Penances.

From the Liber Correctionum, 1515–43. (St. Alban's)

One Richard Esteyde, of Watford, accused of defaming Johanna Blackwell (wife of Robert Blackwell), by accusing

her of adultery. The charge is confessed. Ordered the usual public penance in the Parish Church, and also to receive the discipline at the hands of the priest, and after the procession to go down on his knees before the principal image, and standing on a footstool, publicly to declare he had falsely defamed the said Joan, and ask pardon and to pay the costs.

From the London Correction Books (*Lib. incip.* 1574)

Oliver Wallett presented for fornication with Agnes Hayward. Charge confessed. Penance: "that betwixt that time and the Sunday followinge he shoulde repaire to Mr Barlow ꝑson of his parish ch and take of him his advyse for the state he now stood in before God and touching his churche and upon Sunday next he shoulde stande in the church porch of St Mighell's Bassinghall from before the begynning of mornynge prayer unto the begynninge of the Sermon or homlye wth a paper over his head wherein shoulde be written his offence and if at the begynning of the sermon or homelye the ꝑson and Churchwardens should ꝑceave in hym earnest tokens of repentance and desyr to be reconsyled to the Church of God that then he should be suffered to come into the Churche and sholde stande there in some open place all the sermontyme where he may best be sene of all the congregacon and at such tyme as should be assigned hym by Mr Barkar (? Barlow) he shulde openlye confesse his offence etc. He confesses that before his carnal knowledge of Agnes Haywarde he had promysed her marriage and in recompense of the shame he had done unto her he was willing to take her to his wyff. Words of the marriage service are then mutually uttered and the penance mitigated.

From the Archdeaconry of St. Albans'. Bk. VII, 1581

Public Penance enjoined on James Cornewell and Agnes Igean, both of Rickmansworth, for fornication :—

"That upon Sunday next they shall come into their Parish Church of Rickmansworth before the first lesson; at wch tyme they shall come from the Stepleward apparelled either of them in a whyte sheet from the shoulders to their feete and shall stand in the middle alley of the same church in the myddst thereof nere unto the place where the mynister useth to saye the divine service, either of them holding in their hande a white wand of a yarde longe and so shall continue there penitently untill the Epistle and Gospell and Omelye against fornicators and adulterers, or sermon yf any be; when they shall publicly acknowledge their offences asking for forgiveness etc and say the Lord's prayer publicly and . . . shall for that tyme departe"

On the following Tuesday they are ordered to stand in the Public market at Watford holding their wands in their hands with papers upon their heads declaring their offences so as to be seen of all the people from 11 to 1 o'c and again on the Sunday followinge in their Parish Church and to certifye thereof.

From the Non Testamentary papers. Arch. of London. Bundle 1699–1700

The following Penance occurs under date 1700:—

"The said Elizabeth Hinton shall on Sunday 7th July come into the Parish Ch of St Andrew Holborn aforesaid at the ringing of the first peel or bell to morning prayer and stand att or near to the porch or Church door where most of the people enter into the said Church and there shall continue untill the first lesson be ended arrayed all the while *in a white sheet with a white wand in her hande and open faced with a paper of accusation on her breast.* Item the first lesson being ended shee shall come into the said Ch. arrayed as before and be placed in some convenient place in the body of the Church near the minister's reading desk where she shall continue during the whole time of Divine Service and immediately after the Gospel ended standing up in the Church in the sight and

hearing of the Congregation shall confess and acknowledge her offence saying after the Minister penitentially as followeth viz.

Whereas to the great offence of Almighty God and greife of all good people I have abused my body by comitting the filthy sin of incontinency or fornication with one Wm Bavin of this parish . . . and being by him begotten with child, I do before God and this congregation humbly confesse and acknowledge this my offence and am heartily sorry for the same and I do from the bottom of my heart earnestly purpose never, etc. I desire you all to pray for me and with me to say the Lord's prayer."

Certificate of performance of above penance below signed and dated.

Contracts of Marriage

The custom that prevailed in the fourteenth, fifteenth, sixteenth and even the seventeenth centuries of calling in friends and neighbours to witness the formal betrothal of a couple, usually in some neighbouring tavern where they would drink and make merry, has given us many vivid illustrations of how our ancestors lived and conversed, and, above all, of the surroundings in which they lived. When, as often happened, one or more of the witnesses would be called upon to relate all they could remember of such an event, which might have happened many years past, we are treated to that wealth of detail which seems at times almost to make the dead live again. The language is often dramatic and dignified in its simplicity. Occasionally, as in the next example I propose to give, it will take the form of a dialogue, and one might almost imagine we were reading a play rather than the relation of an almost daily occurrence. These precontracts, as they were styled, had in many cases the binding force of an actual Marriage. The words of Contract as used in the Prayer Book were solemnly recited in the presence of witnesses by the contracting parties who held

each other's hand while they pronounced the words. These espousals (sponsalia) in many cases constituted an actual Marriage, and any subsequent marriage by either of the contracting parties to another man or woman would be bigamous and pronounced null and void.

In Book 1515–1543, St. Albans' (*Responsa personalia*) occurs the case of Alice Bradshaw and John Bateman, the latter being accused of having defiled his master's house by lying with the maid. He denies the charge and any promise of marriage. She charges him and says "Yes that diddist thou and if thou be a trewe man thou wolt say the same".

The Master says "She was a good mayde or thou meddyldst wt her". John Bateman replies "If ye will swere that upon a boke I wyll have her to my wyf".

Thereupon the Master laying in his hand on the book sayth "By all the content (of this boke) she is a good mayde but for the".

John Bateman: "I will have her to my wyff".

Master: "Beware John Bateman what thou doist for it is not for a day or two but for the time of all thy lyfe".

John Bateman: "I wyll have her sythen my maistr hath sworn".

Master: "John thou hast an unkill that is a ꝑeist, which I love as well as any ꝑeist except my brother, and for his sake I wold thou did well, but if thou wolt have her I wyll not lett the".

John Bateman: "I wyll have her".

Then follows a formal Contract of Marriage. Similar evidence follows from several witnesses. Another witness adds that Cristofer Plough said to John Bateman in this mannr "John beware do nothyng but if thou be well content; and do not say another day that thou were compellyd," and further that he heard no "verba minatoria"

In the Consistory Records (*Dicta Testium*), Vol. I, 1467–1470, there occurs a curious case, apparently an application for the declaration of nullity of the marriage of Robert Eustas to Patience Reve on the ground of precontract of the said

Patience to one John Jonyes. The whole is in Latin. The following is the substance of the deposition Of William Ineldryke (āls Multon) of the Parish of All Saints Barking a "haberdesher," near the Tower where he lived 27 years. He states that he has known Patience Reve upwards of 16 years and John Jonyes 24 years but Robert Eustas he knows not. To another article in the libel he says that on a certain Sunday falling between the Feast of Pentecost and of the Nativity of St. John the Baptist 15 years ago between the 9th and 10th hours before midday of that day this deponent was present in a tavern called the Grene Latyse near the Royal Palace of Westminster in a certain seat near the door of the said tavern on the right hand side of the entrance together with John Jenyon, James Moletts (now dead), John de Chambyr and his "contest." whose name or surname he cannot tell and the aforementioned Patience and no more, eating and drinking, and presently the said John Jonyes asked the aforesaid Patience whether she was willing to keep her promise which once she made him. Who replied "Even so" (qd sic) and then the said John Jonyes took the aforesaid Patience by the hand and spoke to her as follows: "I John take thee Patience to my wife and thereto I plight thee my troth" and they let go their hands and then the said Patience took the said John Jonyes by the hand and said to him, "I Patience Reve take thee John Jonyes to my husband and thereto I plight thee my troth," and withdrew their hands; and then the said John Jonyes forthwith took from his purse a small gold ring and gave it to the said Patience who received it kindly and afterwards put it in her purse and she herself gave the said John one other ring of silver gilt which he took and kissed her. He further states that the said John Jonyes is still alive because he conversed with him last winter.

The next witness deposes that he saw John Jonyes sitting in a bench (scannum) in the public street near the Church of St. Martin Vintry.

The next witness deposes that Sir John Goldsmith

Chaplain celebrated the marriage between Robert Eustas and Patience Reve.

From the Records of St. Albans' (*Depōns.*) 1594–1618

Nicholas Shens Threadmaker of the city of St. Albans where he lived 14 years formerly of the city of London where he lived for 2 years before that he was of Halstead in Essex for 2 years and before that of Colchester for 10 years born in Flanders beyond the seas at Poperinge 46 years of age deposes as follows (May, 1603)

"That upon a certeyne daye happening about two years sithence as he gesseth the certeyne daye he doth not remember but in the prenoon of the same daye about IX or X of the clock he this deponent being at home at his house situate in Sopwell Lane St. Albans there came unto him this deponent his p̃ contest. Margaret Wright and told him that his landlady, meaning Barbara Brook the Mother of the articulate Barbara Browne, desired him to come to her by and by, when this deponent asked why and to what purpose. That shall you knowe said the aforesaid goodwife Wright, when you come there, meaning when he came to his said landladye's house being the sign of the Whyte lyon in the said Sopwell Lane, whereupon he went immediately wth the same goodwife Wright (his house being very nighe) where when he came they went into a little p̲lo^r^ on the right hand of the entry of the said house called the new parlo^r^ where he found the said Barbara Brook and William Brook her husband, Everard Wright, William Wythers and Barbara Browne articulate Richard Shawe and his wife and others whome he remembereth not but all at the table sitting, but how they sate then he remembereth not but he remembereth that the articulate William Wythers did sit on a stoole on the forme syde and as he thinketh Barbara Browne stoode by on the said Willm̃ Wither's right syde and he this deponent (and the rest there being as it seemed about making of a marriage betweene the said Willm̃ Withers and Barbara Brown) did likewise sit downe. Then the said Everard

Wright said unto the foresaid Barbara Brooke 'Shall I do as much as I did for Anthony Jackson and his wife' whereunto the said Barbara Brook said 'Yea I pray you'. Then the said Everard Wright speaking unto the articulate Willm̃ Wythers said: 'Will you have Barbara to yor wife,' who answered 'Yea' then Everard Wright rehearsed all the words of the book of Coñm̃ prayers at the contracting used in the Church as they be set downe in the second article of the libell in this cause: wch being done the same Everard said unto the articulate Barbara Browne 'Will you have Willm̃ Withers,' meaning the art^t Willm̃ Withers then and there present, whereat the said Barbara made a lowe curtesy, but what she answered this deponent heard not. Then Everard Wright spak all the words articulat of Contract on the woman's part to be spoken as in the book of Comõn prayer; and as the same Everard was speaking them the articulate Barbara Browne wept: whereat her mother Barbara Brook aforesaid said 'even so did I when I was made sure of'. This being done and as he this deponent did and dothe think in his conscience wth the consent and good will of the said Barbara Browne, he this deponent did send for a quart of wine and others there did likewise send for wyne and there they drank together in token of the marriage making and then the said Willm̃ and Barbara Browne did drink one to the other and pledged one another: and then in talk they agreed that the daye of the solêmzacon of their said marriage should be about V or VI wekes after. And the mother of the said Barbara Browne said that at the celibracõn of the marriage she would have an offering but her father in lawe Willm̃ Brook said nay I had rather give XI^s of myn owne purse than there should be any offering; and much other speach there was about the said marriage and the said Barbara Brook said seing there shall be an offering I will give them XXX^s in their purses and they shall go and be marryed at Lõdon by a licence.''

It would be interesting to go carefully through the Correction and Deposition books with a view to ascertaining the names and localities of the old taverns in the city of

London, some of which survive to this day. I am inclined to think a reference to nearly all of them would be found. In addition to the Grene Latyse just mentioned I have come across The Bull's Head, Cheapside, The Swan with Two Necks, The Blue Bore, Holborn, The Sign of the Dragon in Drury Lane, The Bull Head over against Bowe Lane, The Nagges Head, St. John Street, Clerkenwell, The Sign of the Crowne and Goate, next Smithfield.

The value of these books for genealogical purposes is considerable. In every case the deponent states not only his or her name, age and place of abode, but also the place he came from and where he was born ; also his occupation, rank, etc. In many cases the actual signature occurs.

Recusants

Though it is to the State papers and records of the Court of High Commission that we must look for a narrative of the terrible sufferings of Catholic Recusants in the sixteenth century, yet in a minor degree the persecutions which they had to endure are reflected in these books. The commonest charges brought against them, as one might expect, were refusal to attend the Parish Church, receive the Communion, having their children baptized across the seas, by which was often meant at the Spanish Ambassador's, teaching the "Popish Religion" or having in their possession "Popish books."

The Brownists also, as they were styled, or Independents, the extreme Puritans, who regarded Episcopacy as unscriptural and the Church of England as by Law established as little better than Popery, are also represented in these books. The following Cases cited are fairly typical of both classes of Recusants.

Amongst the Consistory of London books is one entitled : "Acts in Instance Causes in the Royal Visitation."

(Commissary Court of London, c. 1559.)

Richard Pooley Cantator "presentatus quod fovet

imagines" presented by the Churchwardens for paying reverence to images. His sentence is that on Monday next he shall procure all the images and idols in this and other churches in this town to be brought in together to a convenient place "where they may be burnyed and that he hisself do kyndle the fyer unto them wth his owne hands and declare that wherebefore he hath been accounted a favorer of them that in that his act he doth manyfest unto them from the bottom of his hart that he never had any affiance *in* any such".

Robert Smyth rector of St. Nicholas Acõn though not a Brownist, being a minister of the Established Church, seems to have shared their views on the subject of Episcopacy. He is presented because in the prayers after the sermon he "praies for the King the Queen the Young Prince and the rest of the Royal progeny giving him his whole title but for Archbyshopp and Bishopps he prayeth not, otherwise than under the name of ministers". (Consistory of London. Lib. 1604–5 Correction Bk.).

One William Sheppey is proceeded against for that he got himself elected a Churchwarden in order to favour Dissenters or the "Phanatical party". When asked to sign an address of loyalty to the King he refuses and says that he will put his foot to it but not his hand. (Date 1684 (?))

Thomas Mudds of Rickmansworth, though neither a Brownist nor a Catholic Recusant, would seem to have been a Quaker. When presented for not attending the Parish Church his reply is as follows. After excusing himself on the ground of old age, feebleness and distance from Church, he makes the following pathetic appeal: "I can serve noe other gods but ye Lord onely neither can I worship him acceptably but as hee leades mee by his owne spirit. Oh y^t all would verilie consider this for it is ye spirit of the Lord onely that leades unto all truth and out of all unrighteousness and of this pure religion and spiritual worship I am made a liveing witness and am willing to suffer whatsoever may be inflicted or imposed for I am ye Lords servant and in Him

am fully given upp to love or serve the worst of enimys" (21 Feb. 1678 (?))

Christopher Price and his wife Mary presented for causing their child to be christened abroad and as yt is thought in the Spanish Ambassadors. (Cōn. Coīr. Bks. 1619–21, 1624–26.)

Another is suspected of being a Separatist and no good Protestant.

In the London Consistory Court-Book for the years 1610–11 the following causes may be noticed:

On p. 13 we have a Recusant Brownist, on p. 20 Popish Recusants, on p. 40 a Queen Mary Priest, on p. 67 an Italian and Popish Recusant, on p. 128 John Clarke, a labourer and a Popish Recusant, presented for affirming that the Church of Rome is the very true Church of God.

P. 159 (copy).—William Bird et ux̄ presented for a Papist and utterly refuseth to come to Church. (Lib. 1604–5. Cōn. Cōrr. Bk.)

Many cases of Recusants occur in the first 20 pages of the book for 1604–5.

P. 104.—Thomas Easte presented for harbouring the Lady Dorothy White a Popish Recusant

P. 107.—Ralph Evans presented for a Recusant saying he is a *Catholick* and goeth not to Church

P. 110.—Martin Pierson presented for a Recusant Papiste and denyeth the doctrine of the Church to be apostolical

P. 264.—Daniel Knowling a Recusant saith that he was always brought up a Catholic

In the same series (Lib. 1611–12) the following cases occur:

P. 123.—John Smith was probably a Recusant as he is presented for not keeping the 5th of November according to the Statute

P. 159.—Presented for Recusants and so have been these 9 yeares and more also for carrying their child to the Spanish Ambassador's to be baptised

Lib. 1618–19–20.

P. 14.—Lady Mary Foster a Recusant

In a Consistory Correction Bk. Lib. 1610–11, there are many Recusant cases.

P. 9.—John Wright is presented for a Recusant, he is an ould deseased man and nothing to take to.

P. 13.—Elizabeth Browne presented for affirming that the Churche is not a true Catholic Church and that ministers be thieves and robbers.

P. 15.—The Lady Monteagle is presented for a Recusant and her family both men and women servants

P. 30.—Christopher Ewer presented that "he houldeth the wicked opinion of the Brownists but he cometh to Church to avoyde the danger of the lawe": that he had a book called the "Apologie of the Brownists" and delivered the same to our minister and the said book we retain in our hands to be at your pleasure. On the 6th Feb. 1610 John Lewes Vicar of Langley Abbot and the aforesaid Ewer appear before the Judge in Camera when Ewer alleges that he had had conference with the said Vicar who had reclaimed him from his opinions of Brownism and that he cometh orderly to Church and has promised to receive the Communion also.

P. 71.—William Bragg presented: "that Thomas Hovell one of the Churchwardens affirmeth that he sawe in William Braggs chamber in Bulmer about Midsomer last one great popishe booke and by his bedside was a great guilt crosse wth other popish pictures".

P. 74.—The wife of Edward Clarke is presented "for a Recusant and for depraving our religion in sayeing that when we goe to Church we goe to serve the devill".

In the Consistory Corr. Bks. Lib. 1607–8–9. (Suits of Office *v.* Clergy and Laity) we find:

P. 63.—Master Thomas Frear (in Medicinis Doctor) presented for a Recusant and bringeth up his children in the Popish Religion.

P. 223.—William Egringham presented for a stubborn popishe Recusant of insolent behaviour instructing his family in Popish superstition.

In the same series, for an earlier period (Lib. 1574):

William Tomson of Whitechapel being presented for non-attendance at his Parish Church excuses himself on the ground that it was not from any contempt or misliking of the religion *now* used.

Thomas Holmes says the same thing.

In the same Series (Lib. 1563–84):

A man is detected for a common drunkard and is suspected to be a papist and cometh not to Church. In reply he denies that he is a drunkard and says "he served the Queen in Ireland two years and came not home past halfe a yeare agoe". He is ordered "to have conference with Mr. Sympson and acknowledge his faulte on his knees for his suspition of papistry"

In the same Series (Lib. 1612-15):

"John Rogers detected that he was suspected of papistrie and that on his shop being serched there was found one of the Jesuites testaments whereupon he was sent to prison and that he siteth most comonlie in the streetes at prayer or preeching tyme and had received the Communion but once in VI years."

Miscellaneous Examples

It is well known that the Ecclesiastical Courts had the privilege of granting licences to practise medicine and surgery, also midwifery. In Bk. 15 of the Vicar-General's Books of the Consistory Court of London, on p. 135 there occurs an interesting letter from the Barber and Surgeons Hall to the Bishop of London threatening legal proceedings in case the Bishop should insist on those who have their diploma taking out a licence (for Surgery) from the Ecclesiastical Court. The date of the letter is 1715. Whether there are any earlier instances of opposition to this prerogative of the Ecclesiastical Court I am unable to say.

Perhaps the following form of oath taken by one Richard Snowden before being admitted to practise as a

surgeon and the Cæsarism it contains may have had some share in arousing opposition. The date of the oath is 1683 (reign of Charles II).

"I Richard Snowden doe declare that it is not lawfull of any ptence whatsoever to take Armes ag^t the King and that I doe abhorr that traitorous possicion of taking armes by his authority ag^t his person or ag^t those that are commissionated by him and that I will conforme to the liturgy of the Church of England as it is nowe by law established" signed R. S.

Vicar-General's Books, (Lib. 15)

On p. 134 is a reference to the Act of the 3rd year of Henry VIII whereby it was provided "that no person be admitted within this Realm of England to exercise the arte or science of chieurgery except he be first examined approved and admitted according to the tenor of the said Statute". Here follows by virtue of these powers a licence to Samuell Holditch to practise from the Bishop of London.

The next entry is a certificate given by an Alderman of the city of London and certain members of the Mistery and Cominalty of Barbers chirurgeons of London to the same Samuell Holditch a freeman of the said mistery.

Interleaved between the pages 134 5 is the original letter dated Oct. 8th, 1715, addressed to Mr. Edward Alexander in Doctors Commons, and endorsed in another hand "Barber Surgeons Company" "letter respecting." It is as follows:—

S^r

All the members of our Company as those who already have the Bishop of London's and those who have only our Diploma are summoned to attend the Bishop of London's visitation the 18th instant. Now S^r I thought as to those who have o^r diploma (and who I am pretty sure you cannot oblige to your licence) it had been agreed between you and I that I would send you all I could by persuasion and that you would not endeavour to

compell eni. The company is so alarmed at this extraordinary proceeding that if you persist in it we must of necessity engage in a Suite at Law whereby to settle this point.

I am Sr

Yr most obedient servt

Cha Bernard

Barber and Surgeons Hall
Oct 8th 1715

In a Consistory Correction Book, 1604–5.

P. 15.—A man named Thomas Gouldinge is presented for that he keepeth a quaffinge glasse of a yard in his house. This is not a solitary instance. Archdeacon Hale gives at least one other.

In the same book.

P. 152.—Another is presented for scowlding and raylinge againste the minister calling him "Smoother boately fellow and that she would provide him with a cloak bagge" There is an amusing note at the foot of this entry to the effect that "This is too much abuse for a poor minister".

In Bk. 1605–6.

P. 83.—Another is presented for saying he would rather trust a thief than a priest, a lawyer or a Welshman. He is enjoined public penance

Many instances occur of complaints about the way in which ministers preach or read the lessons.

In Bk. 1606–7.

P. 43.—A Parish Clerk is presented for reviling his minister, also being a Scottishman he can neither read well any lesson nor any parte of the psalms. Complaints against the Scots in James I reign appear to have been numerous and somewhat spiteful.

In Bk. 1611–12.

P. 129.—A man is presented for abusing Mr Carter saying he could make a sermon as well as he and for rayling against Elizabeth Williams calling her priestes baggage and saying there is not one minister among 20 but have bastards.

In Bk. 1604–5.

David Dee rector of St Bartholomew the great is presented by the Churchwardens because "Diverse of the better sorte of the parishioners doe fynde mutch faulte wth his untreatable reading in the tyme of public prayer, especiallie for that he in the tyme of devyne service sometymes speaketh alowd and ofttymes again speaks with a lowe voyce and for that he keepeth no comely proportion in the utterance of publique prayer"

This is by no means a unique case. Archdeacon Hale gives a complaint against a minister for speaking in a "gesticulous and altitonant voyce and squeaking like a gelded pig" Perhaps it was criticism of this kind that developed in the course of time what is known as a parson's voice!

In Bk. 1610–11.

P. 172.—A minister is presented for solemnising a clandestine marriage in an ale house—the Sign of the Dragon in Drury Lane.

In Bk. 1611–12.

P. 209.—A man is presented for being present at a clandestine marriage. Several similar cases occur in this book.

In Bk. 1610–11.

P. 206.—Another is presented for bowling on Ascension day and another for not keeping to the Statute.

In a Commissary Book of Acta, 1601–52.

P. 252.—Mistress Elizabeth Austin complains that it was "longe of him" (Richard Langley) that her son Tobye was beaten; to which Richard Langley replies "Thou art a base queene, a rascally queane, thou art an outlawed jade and an outlawed javell: I hope to see thee and thine begge"

P. 202.—Mary Walker complained to Mistress Wilcock that "yonder roague Colman hath so misused me y^t^ is most shameful to be heard; for he did hem at me in the Strand and made all the boyes in the street to wonder at me"

Consistory of London Corr. Bk. Lib. 1609–11.
P. 214.

Presented y^t he ꝑemptorily affirmed in most vile spiteful speaches y^t a man might learne more good at one of their plaies or interludes than at twenty of y^r rogish sermons. He is warned to appear again in the Consistory 14 Jan) px̄ to hear further proceedings in this matter.[1]

I have not, however, succeeded in finding another entry in January.

From St. Albans' Exhibits.

The fourme of the Oath to be taken by a midwife laying her right hand on the New Testament. Date April, 1673.

"I Mary Reade (wife of John Reade) of the Parish of East Barnet in the county of Hertford, yeoman, to be admitted to the office of a midwife, doe sweare y^t I will faithfully and diligently exercise the said office according to such cunninge and knowledge as God hath given me and that I will be ready to helpe and aid as well poore and rich women being in labor and travayle wth child and I will alwayes be ready both to poore and rich in exercising and executing my said office: also I will not ꝑmitt nor suffer that any woman being in labor and travayle shall name any other to be the father of her child than only he is the right and true father thereof. And y^t I will not suffer any other bodye's child to be sett brought or laid in the place of her naturall child so far forth as I can know and understand. Also I will not use any kind of sorcery or inchantm^tt in the tyme of the travail of any woman. And that I will not destroy the child borne of any woman or cutt or pull of the head thereof or otherwise dismember or hurt the same or suffer it to be so hurt or dismembered by any manner of means or wayes. Moreover if I shall know any woman exercisinge the office of a midwife or doing anything contrary to the ten^or of this mine oath I will notify and disclose the same to the Archdeacon of St Albans for the tyme being or his officiall. So help me God

[1] St Dunstan in the West. Mr Philipp Rossiter a plaier. Date 21 Dec., 1610.

Cases of improper administration of the Sacrament of Baptism, omitting the sign of the cross, use of water, etc. occur in Lib. Cõn. Cõrr. 1606–7.

P. 126.—"Master Eaton, Rector of Southamingfield, presented that he doth not use the surples & doth not sign with the cross"

P. 135.—A similar charge against the Vicar of Prittlewell.

Many other instances occur. The last example I propose to give is taken from Lib. I. (Foxford) Vicar-General Bks. *c.* 1520.

Sir Robert Shoter curate of St Botolphs Aldgate is accused (inter alia) of refusing to attend the death bed of his brother who in consequence died "without houslie shrift or nele" The words invite comparison with those used by the Ghost in *Hamlet*:

> Thus was I, sleeping, by a brother's hand
> Of life, of crown, of queen at once despatched.
> Cut off even in the blossom of my sin,
> Unhouseled, disappointed, unaneled.

THE EXTENT OF THE ENGLISH FOREST IN THE THIRTEENTH CENTURY.

By Margaret Ley Bazeley, M.A.

Read April 14, 1921

I

The first difficulty which confronts the student of the English forest is to be found in the ambiguity of the terms which are used to describe it. In its proper sense the word "forest" denotes either the whole area in which the king's game is protected by a special law, or a separate administrative district within it. But there are other and looser uses to which the term is put in the records. In the first place, it is frequently applied to mere woods in a forest area. Thus the wood of Islip, near Oxford, known by the distinctive name of "Cauda Aliz" or "La Quealiz," appears at one time as a part of the forest of Brill, at another as a separate forest coupled with it.[1] Brill, in its turn, was merely a part of the forest of Bernwood, which was itself a member of the "Forest between the bridges of Oxford and Stamford".[2]

Still more misleading is the use of the word "forest" to describe districts where the rights of chace are in the hands of a subject.[3] Over seventy such forests appear in the official records of the thirteenth century. Nor is it always easy to distinguish them at first sight from the forest

[1] *Close Roll*, 1233, p. 345; 1235, p. 111. 33 Hen. III, m 7.

[2] The "wood of Withcote," Leicestershire, so described in an order of 1236 (*ib.*, p. 305) appears three years later as the "forest of Salvey" (*ib.*, 1239, p. 156); Hartley in Great Minterne appears in consecutive orders as a "forest" and as a "park and wood," *ib.*, 1238, pp. 30 and 39.

[3] *E.g.* "the forest of the bishopric of Chester," *Close Roll*, 1244, p. 224.

proper. It is possible that to the ordinary Englishman of the time the distinction did not seem very important. The restrictions of the one were apt to be almost as severe as those of the other. Indeed, if we may judge by the space allotted in the Wiltshire Hundred Rolls [1] to the misdeeds of the foresters of Cranbourne Chase, the private forest was sometimes the more burdensome of the two.

The object of the private owner was always to secure as many as possible of the rights exercised in the royal forests; and the king was occasionally willing to help him. Examples of the privileges conceded in some of the more important private forests are to be found in Mr. Turner's *Introduction to the Select Pleas of the Forest*.[2] We may notice two further cases. A charter of John grants to Geoffrey fitz Peter, Earl of Hereford and Essex, "the forest of Huntingdonshire between the hay of Kimbolton and the park of Melbourn as fully as the king had it, so that a regard be made here when it is made in the forest, and the said Geoffrey shall have the pleas and amercements".[3] A charter of Henry III grants to the Abbey of Whitby the right to have their own verderers in their forest of Whitby to present transgressions before the royal justices for the forest pleas, as the king's verderers: and provides that offenders living outside the liberty who cannot be attached by the verderers shall be attached by the justice of the forest.[4]

As a rule, the grantee of a royal forest would retain some, at least, of the old rights. Thus, a charter of Edmund of Lancaster, confirmed in 1280, grants to the abbess of Tarrant "all his manor of Bere, Co. Dorset, which he had of the gift of his father . . . with the warren and forest of Bere, with all the venison, wood and vert, with power to

[1] *Rot. Hund.*, ii. 245, 248, 249, 253, etc.

[2] Pp. cxi.–cxiii.

[3] *For. Proc. T.R.*, no. 44, m. 1, 45, m. 1. *Cf.* "regard in the liberty of the honour of Kimbolton," 39 Hen. III, *ib.*, no. 40.

[4] *Cart. of Whitby Abbey* (Surtees Soc.), pp. 534–5. *Cf. Chanc. Misc.*, 12/6, 10. Forest law continued to be enforced as of course in the forests granted to Queen Eleanor, *Cal. Pat. Roll.*, 1273, p. 28.

cultivate at will, with attachments, pleas and amercements of vert and venison, and all rents of purprestures".[1] It is probable that many of the royal rights abandoned in disafforested districts fell into private hands in a less legitimate way. Thus the Abbot of Newminster, Northumberland, put "in defense" parts of the district disafforested in 1280, excluding others who had rights in it.[2]

Such proceedings were not confined to those districts which had once been under forest law. It is clear that a great deal of private afforestation went on in the twelfth, and even the thirteenth century. Earl Reginald, brother of Henry II, if the jurors of 1279 may be believed, afforested the greater part of Blackmore, in Dorset.[3] The afforestation of a large part of South Wiltshire was attributed to Richard de Clare at a still later date.[4]

Yet, although the private forest bears many of the marks of the forest proper, it is evident that a distinction was in fact drawn between them. A private forest in royal custody remained a private forest. Only such rights as were already in use were exercised.[5] It may even be doubted whether such forests as passed permanently into the king's hands after the beginning of the thirteenth century were drawn into the full forest system. Thus it is not clear that forest law was ever enforced in its entirety in the forest or chace of

[1] *Cal. Char. Rolls*, 1280, p. 227: The exact position does not seem to have been clear: in the eyre roll of 54 Hen. III it is stated that "six regarders of the bailiwick of Bere were wont to act with them (*i.e.* the regarders of Poorstock), but Edmund the king's son holds the manor of la Bere and the forest pertaining as disafforested, and will not let them come".

[2] *Plac. de Quo Warr.*, p. 59.

[3] *Chanc. Misc.*, 12 /2; *cf. For. Proc. T.R.*, no. 11, m. 16.

[4] *Rot. Hund.*, ii. 249. The verdicts are not consistent, however: elsewhere the afforestation is ascribed to the present earl, *ib.*, p. 265: much, if not all, Cranbourne Chase was in existence early in Henry III's reign. Randall Meschines is said to have afforested the Wirrall peninsula between 1119 and 1128 (Ormerod, *Hist. of Cheshire*, ii. 353). A letter close of June 30, 1225, shows that private afforestation had been going on in Westmorland and Lancashire.

[5] See the case of Knaresborough Forest, *Select Pleas*, cx.

Keynsham or Kingswood, near Bristol,[1] which had been filched by John from the honour of Gloucester.[2] The pleas were heard, at least in Edward I's reign, by ordinary justices, as in private parks.[3]

While the *forest* so called was not always under forest law, districts otherwise designated were frequently subject to it. Such were the *hays* to be found in great number in the records of the period. In many cases, a fairly small enclosed area is probably to be understood; but it is clear that the term was often used in a much wider sense. The hay of Lythwood, in Shropshire, represented a number of woods and townships.[4] The Hay of Hereford was a forest district some six miles in length, including part of the county town.[5]

The status of the royal parks is more difficult to define. A large number were certainly subject to forest law. Of these the great majority are found to be parks within a forest area or adjacent to it.[6] In some cases—perhaps in many—they formed its original nucleus. It was so, it seems, with Gillingham Park, in Dorset,[7] and North Petherton Park,[8] in Somerset. Sometimes the park wall was broken as a preliminary to the afforestment of the surrounding district. Thus Alan de Neville, according to the verdict of 1279,

[1] Also described as the "chace of Bristol" (*Char. Roll*, 1253, p. 415) and "hay of Kingswood" (*Close Roll*. 1236, p. 242). In M. Petit Dutaillis' essay this Kingswood is confused with that in the forest of Essex. (*Hist. Const. de l'Angleterre*, ii. 760.) The restriction cited by him would apply no less, it seems, in private forests; *cf. Sel. Pleas*, cx.

[2] *Cf. Rot. Litt. Claus.* i. 344, 352, 360, ii. 54, etc.

[3] *Cf. Cal. Pat.*, 1285, p. 153, and 1292, p. 519: The forests of Cheshire which passed to the Crown in 1237, retained like the county their separate jurisdiction, remaining independent of the Justice of the forest north of Trent. A mandate concerning disafforestment in 1277 is addressed to the Justice of Chester, and the foresters and verderers, *Cal. Pat. Rolls*, p. 193; *cf. Close Roll*, 35 Hen. III m 7?

[4] *For. Proc. T.R.*, no. 148.

[5] *Ib.*, nos. 255 and 35.

[6] *E.g.* Woodstock Park, *For. Proc. T.R.*, 136, and *Close Roll*, 1240, p. 234; Guildford Park, *Sel. Pleas of Forest*, p. 54; Ridlington Park, *ib.*, p. 44.

[7] *Cf.* Stowe MSS., 798 f. 6.

[8] *Cf. Chanc. Misc.*, 12/1.

"broke the park of Milchet and caused the beasts to stray, wherefore he has afforested the wood of Milchet, etc".[1] In 1218 the park of North Petherton was reported to have been long unenclosed. It was still so, sixty years later.[2]

One clear example only has been noted of an isolated royal park under the jurisdiction of the justice of the forest —the park of Kenilworth, in the county of Warwick.[3] Elsewhere little has been found to support M. Petit Dutaillis' contention that such parks were subject to forest law in the same way as those surrounded by forest.[4] In one case noted, that of the royal park of Eltham, Co. Kent, the evidence seems to point in the opposite direction. Orders concerning this park are addressed, not to forest officials, but to the keeper of the king's manor of Eltham.[5] Nor has any reference to it been found in the forest proceedings of the period. Kent is noted in 1300 as one of several counties in which the king had no forests, and forest law does not appear to have been in force there at any earlier date.[6] Further evidence is needed before the exact position of the royal park as such can be established.

In a few cases, royal warrens were subject to forest law. Here, too, such warrens, as a rule, were within the metes of a forest, and in one or two cases, at any rate, formed its original nucleus. Such was the warren of Somerton, which included in the thirteenth century a number of the surrounding vills;[7] and the warren of Corfe, which became under John the centre of a forest in Purbeck.[8] Of isolated royal

[1] *Cf. Chanc. Misc.*, 12/2, 4.

[2] *Ib.*, 12/1 and 12/2, 2, and *For. Proc. T.R.*, 154. That the park was not always enclosed in practice is clear from this and other entries. In 1231 the king granted that Woodstock Park should be enclosed on account of the damage done by the beasts to the crops of the men of the neighbourhood (*Close Roll*, p. 500). If the park was closed the enforcement of forest law within it would have made but little difference to the neighbourhood.

[3] *Pat. Roll*, 1222, p. 361 and *Close Roll*, 1244, p. 151.

[4] Stubbs, *Hist. Const. de l'Angl.*, ii. 760.

[5] *Close Roll*, 1246, p. 427.

[6] *Parl. Writs*, I, 91a; *Sel. Pleas*, p. cviii; *cf. Rot. Litt. Claus.*, ii. 212.

[7] *Cf. For. Proc. T.R.*, no. 153, m. 1. *Chanc. Misc.*, 12/2, 2.

[8] The jurors in 1225 stated that "John afforested all Purbeck which

warrens under the jurisdiction of the justice of the forest, we know only of the warrens of Staines[1] and Cambridge.[2] The former was disafforested in 1227: the latter, when it appears in the eyre roll of 13 Edw. I, was certainly not subject to the full forest law.

Within the forest proper we find many varying degrees of afforestment. The forest law was being constantly mitigated by more or less comprehensive exemptions. The commonest of these was exemption from the regard enjoyed by a large proportion of the woods in each forest. Frequently the royal grant specified in addition, "freedom from all forests and all suits of the forest," the forest eyre being implicitly or explicitly excepted.[3]

Beyond this, numerous liberties were enjoyed within the forests, amounting in some cases to practical disafforestment. Thus the Bishop of Winchester secured by charter the rights of chace with complete independence of the forest officials in all his lands, and those of the priory of S. Swithun within and without the metes of the king's forest, the only stipulation being that no nets should be placed for the venison.[4] The Earl Marshall, early in the reign of Henry III, succeeded in withdrawing a large district in the neighbourhood of Chepstow from the jurisdiction of the forest of Dean.[5] The Bishop of Lichfield about the same time appropriated in

ought not to be forest except the warren of hares pertaining to Corfe Castle" (Stowe MSS., 798, f. 6 and Hutchin's *Dorset*, iii. 662). In 1232 Henry III granted exemptions from lawing of dogs to all tenants of his warren of Corfe (*Close Roll*, p. 88 and *Cal. of Chart. Rolls*, 164). The "warren of Corfe" and the "forest of Purbeck" continue to appear in royal orders during the century, *cf. Close Roll*, 1240, p. 217, Inq. a.q.d. 54 Hen. III, iii. 21, *Cal. Pat. Rolls*, 1283, p. 80. The warren does not appear in the eyre rolls of the latter part of Henry III's reign, nor in the perambulations of Edw. I's reign, but an entry on the fine rolls of Aug. 5, 1275, seems to show that it was still under forest law.

[1] *Cal. Chart. Rolls*, 1227, p. 56.

[2] *Sel. Pleas*, cxxxiii.

[3] *Cf.* grant to Evesham Abbey, 26 Hen. III, *Chanc. Misc.*, 12 /8, and to Selbourne Priory, *ib.*; and the arrangement with Chertsey Abbey, *Rot. Litt. Claus.*, ii. 56b.

[4] *Cal. Chart. Rolls*, 1284, p. 274.

[5] *Trans. Bristol and Glos. Arch. Soc.*, vol. xxxiii. 160.

right of his manors of Rugely and Cannock, the covert of the forest of Cannock and two of the forest bailiwicks.[1] One of these was recovered by a suit on the part of the Crown. A great deal of friction ensued, and it was not until 1290 that the bishop secured the confirmation of his right to hold the woods in question "as a free chace, disafforested, although within the metes of the forest of Cannock".[2]

The official view of such chaces is not consistent. The Bishop of Lichfield's liberty is distinguished from the forest in the plea rolls and included within it in a description of the bounds.[3] The Earl Marshall's chace is included in the forest in a regard of 1282 and described as outside it in an eyre roll of the same year.[4] It is clear that the forest system was not so hard and fast as it is often pictured.

II

The Forest had probably reached its widest extent by the end of Henry II's reign. That some afforestation took place under Richard I is clear from the terms of the Great Charter and the Charter of the Forest. That it was not very considerable may be inferred from the silence of the forest records concerning it. On the other hand, losses were certainly sustained during Richard's reign. The disafforestment of that part of Bedfordshire which Henry I afforested, was purchased by the barons of the county for 200 marks in 1191.[5] The knights of Surrey were paying a like sum for the disafforestment of some three-fourths of the county at the same date.[6] In both cases the exemption gained was final.

That John added wide afforestations to his other mis-

[1] *Hist. Coll. for Hist. of Staffs*, vol. v., pt. 1, p. 166.

[2] *Cal. Chart. Rolls*, p. 347.

[3] *Hist. Coll. for Hist. of Staffs*, vol. v., pt. 1, pp. 137–166.

[4] *For. Proc. T.R.*, no. 30, m. 9d, and no. 31. *Trans. Bristol and Glos. Arch. Soc.*, xxxiii. 161.

[5] *Vict. Hist. of Bedfordshire*, ii. 144.

[6] *Sel. Pleas*, p. 118, note 1. For other disafforestments in this reign see *Chanc. Misc.*, 12/5, no. 21; *Sarum Charters and Documents, Rolls Series*, 97, no. lvi.

deeds was the firm belief of a later generation, but contemporary evidence, apart from the reference in the Charters, is of the scantiest. The extant perambulations of the early years of Henry III, representing some nineteen counties, ascribe the wrongful extension of the forests in two cases only to John.[1] In six counties, Cumberland, Yorkshire, Huntingdon, Berkshire, Shropshire and Hereford, the jurors stated, in answer apparently to enquiry under that head, that no afforestations were made by him,[2] though the Cumberland and Hereford jurors go on to say that he put certain woods "in defense": those in Herefordshire were now out. The jurors of Edward I's reign have much more to say on the subject,[3] but their statements cannot be accepted without some hesitation. Obvious inaccuracies appear more than once. Thus the afforestation of Hewelsfield, in the Forest of Dean, which the jurors of 1300 attribute to John, is recorded in Domesday as the work of the Conqueror.[4] That of Bere, Co. Dorset, laid upon John in 1279, had already taken place according to the perambulation of 1225, under Henry II.[5] The later verdicts are in any case open to suspicion in view of their distance from the events, their dependence on hearsay,[6] and the wild statements to

[1] Certain woods in Oxfordshire and the Isle Purbeck. *Chanc. Misc.*, 11 /1, 19, and Hutchin's *History of Dorset*, iii. 662.

[2] *Chanc. Misc.*, 11 /1, 16, 10. *For. Proc. T.R.*, no. 38, m. 1. Stowe MSS. 798, ff. 8 11, 11d.

[3] Afforestations are attributed to John in Dean (*For. Proc. T.R.*, 255), Hay of Hereford (*ib.*), Feckenham in Warwickshire (*ib.* and *Sel. Pleas*, p. 119), Porchester (*Chanc, Misc.*, 12 /2), Blackmore (*ib.*), Exmoor (*ib.*), North Petherton (*Pat. Roll Supp.* 6a), Selwood (*For. Proc. T.R.*, 154, m. 2), Rutland (*Sel. Pleas*, pp. 116, 117), and Essex (Fisher, p. 398), where "and by the kings Richard and John" is added to the "after the first coronation of King Henry grandfather of the lord the King" of the earlier verdict in respect to about half the district excluded, *Ib.*, pp. 21–24.

[4] F. 167. No mention is made of John in the perambulation of 1298; for the similar case of the wood of Ross, *infra* p. 159.

[5] Hutchin's *Hist. of Dorset*, iii. 662. In Rutland the burden of responsibility is shifted in the same way from the shoulders of Henry II to those of John (*Sel. Pleas*, xciv. 116–117).

[6] *E.g.* Warwickshire, *ib.*, 121, Gloucestershire, *Glos.*, *Notes and Queries*, vol. 8, p. 7.

which they occasionally commit themselves.[1] Some afforestation clearly took place under John, but it was probably not enough to balance the very considerable disafforestments to which his necessities drove him.

Large districts in Devon,[2] Cornwall,[3] Staffordshire and Shropshire,[4] Yorkshire[5] and Essex[6] were disafforested in 1204. The disafforestment of Nassaburgh Hundred in Northamptonshire, and part of Trivel Forest, Co. Hereford, was negotiated by the abbots of Peterborough[7] and Abbey Dore[8] respectively, later in the reign. Two hundred marks were paid in each case. The Brewood charter cost the men of Shropshire and Staffordshire 100 marks. 500 marks and five palfreys were paid for the charter to Essex.

The reduction of the forest area was therefore already in progress when the Great Charter of 1215, followed by the Charter of the Forest in 1217, held out hopes of wider concessions. Articles 1 and 3 of the Charter of the Forest promised the disafforestment by verdict of the county of the lands afforested by Henry II, outside the royal demesne, and the summary disafforestment of all such lands afforested by Richard and John.[9]

The perambulations made in accordance with the Charters during the next few years were of a sweeping character.

[1] *Cf.* the statement of the Somerset jurors that John afforested all England, *ib.*, cii. note 1.

[2] *Viz.*, all Devon as far as the metes of Dartmoor and Exmoor, *Sel. Pleas*, p. cvii.

[3] *Viz.*, all Cornwall, except two moors and two groves disafforested later in the reign, *ib.*, and *For. Proc. T.R.*, 249, m. 9; how much of the county was previously in forest is not clear.

[4] *Viz.*, Brewood and New Forest, *Rot. Chart.* (*Rec. Com.*), p. 122 and *Hist. Coll. for Hist. of Staffs*, vol. 5, pt. 1, p. 155.

[5] *Viz.*, Ridale, *Rot. Chart.*, p. 121.

[6] *Viz.*, forest north of Stanestreet, *ib.*, 123, and Fisher's *Forest of Essex*, p. 19.

[7] *Rot. Litt. Claus.*, i. p. 381.

[8] *Cal. Chart Rolls*, 1227, p. 2, and *Chanc. Misc.*, 12/7, 10; a marsh in Lincolnshire was also disafforested in 1204, *Rot. Chart.*, p. 128.

[9] *Stubbs' Charters*, pp. 348 ff. No evidence of any summary disafforestment has been found; as *M. Petit Dutaillis* remarks, it was, in fact, scarcely practicable, *Op. cit.*, p. 802.

The extant verdicts of 1218, 1219 and 1225 claim the exemption of the greater part of the forests under review. There was a natural hesitation on the part of the government in putting them into effect.[1] The earlier perambulations appear to have been actually enforced in some cases,[2] but were annulled by an order of 1224, directing that the forests should be kept as in the time of King John before the war between him and his barons.[3] Of the perambulations of 1225, that of Sussex remained unchallenged, probably because the king had granted away his remaining rights before the moment for revision arrived.[4] The perambulation in Derbyshire was also, it seems, allowed to stand. There is no record of a revision, and the district disafforested does not reappear in the forest records. No evidence is forthcoming with regard to Warwick, Northumberland, and Buckinghamshire, which appear in the list of counties noted in 1227 as "quit".[5] The Buckinghamshire perambulation, if allowed to pass now, was certainly modified later.[6]

In all the other forest counties a revision was ordered by Henry on attaining his majority in 1227 on the ground that royal demesne and districts in the forest before Henry II's time had been affected.[7] As a result most of the perambulations were greatly modified. In the counties of Lancashire,[8] Huntingdon, Rutland and Leicester, Shropshire,[9] Stafford, Surrey, Worcester and York, the jurors acknowledged their error, and the forests were ordered to be kept as before the war between John and his barons. The

[1] *Cf. Sel. Pleas of the Forest*, pp. xciii ff.

[2] *E.g.*, in Huntingdon, *For. Proc. T.R.*, no. 28, m. 2d.

[3] *Rot. Litt. Claus.*, ii. 1.

[4] *Cal. Chart Rolls*, 1227, p. 8, and Rot. Litt. Claus., ii. 80.

[5] *Ib.*, p. 212.

[6] Compare peramb. in *Chanc. Misc.*, 11/1, 5, with list of woods given in 40 Hen. III (*For. Proc. T.R.*, no. 2, m. 6,) and 28 Edw. I (*Pat. Roll*, Supp. 6a).

[7] *Rot. Litt. Claus.*, ii. 206. *Sel. Pleas*, p. xcix.

[8] For perambulations in this and the following counties, see Appendix III.

[9] With an insignificant exception.

forests of Somerset and of Gillingham and Bere in Dorset [1] were subsequently recalled to their old state by the royal officials without, apparently, any such acknowledgment. In Essex, Hampshire, Wiltshire, Northamptonshire and Nottinghamshire, the jurors agreed to modify their statements and some concessions were accordingly made.

How far Henry's contention is justified by the facts there is, unfortunately, but little to show. Lands in the king's hands at the time of the Domesday Survey had certainly been affected.[2] There is little evidence that those still belonging to the Crown after 1154 had been touched.[3] It would seem that Henry and his successors held the reservation in the Forest Charter to apply to the former class as well as to the latter. The new afforestations attributed by the jurors to Henry II are so extensive that one hesitates to accept them in the absence of other evidence. In one or two cases the evidence points in the opposite direction. The historical version given by the Leicestershire and Rutland jurors is hard to reconcile with the detailed account presented in the eyre of 1248–9,[4] which, though later, bears the marks of truth. The Buckinghamshire account, on the other hand, carries a certain amount of conviction.[5] In most counties a bare statement is made and no substantiation attempted.

[1] *Chanc. Misc.*, 12 /2, 2. *Cf. Rot. Litt. Claus.*, ii. 73, with its reference to an "opportune moment expected": the two counties had offered, if not actually paid, £100 for a perambulation in 1218 (*Sel. Pleas*, p. xcv.).

[2] *E.g.*, in N.W. Bucks, *Chanc. Misc.*, 11 /1, 15.

[3] An example should perhaps be found in Nottinghamshire where certain royal demesnes on the north and west of Sherwood forest appear to have been excluded, *Rot. Litt. Claus.*, ii. 169, 208; *Close Roll*, 1234, p. 425; *Chanc. Misc.*, 11, 6 /10. *Cf. For. Proc. T.R.*, 133. It is not quite clear whether royal demesne noted in the Surrey perambulation was included in the disafforestment or not, *cf. Rot. Litt. Claus.*, ii. 56b. A closer study of local history in each case may bring other instances to light.

[4] *Sel. Pleas*, pp. 45–6.

[5] See, too, the Huntingdon and Cumberland perambulations, *For. Proc. T.R.*, no. 38 and *Chanc. Misc.*, 11 /1, 16.

The evidence produced on the king's side is nowhere recorded. Concessions subsequently made in Worcestershire, Yorkshire and Leicestershire show, perhaps, that he was not very sure of his ground. Ombersley and Horewell, in Worcestershire, were disafforested by charter in 1229 [1]; the forest between Ouse and Derwent, Co. York, with the exception of the hay of Langwith, in 1234 [2]; the forest of Leicestershire, except the manor of Withcote, in 1235.[3]

The results of the revision in the remaining counties are not recorded, but can be traced in part. In Gloucestershire the disafforestment of the greater part of the forest east of the Severn was conceded by a charter of May, 1228,[4] in accordance with a perambulation enrolled on the close roll of 1228.[5] It is not clear how much modification this last had undergone. In Berkshire the district disafforested by charter of 1227 [6] corresponds exactly with that described in what appears to be the original verdict.[7] The Cumberland perambulation of 1225 is missing, but probably did not differ greatly from that of 1219. Large districts on the north, east and south, there noted as new afforestments, do not reappear in the later records. It is likely, therefore, that here too much of the 1225 perambulation was allowed to stand. It is possible that Oxfordshire was equally fortunate. The bounds later in use correspond with those of an apparently unrevised verdict of the early years of Henry III.[8] The Lincolnshire men could not have asked for more than the disafforestment of the remaining forest granted to them by a charter of 1230.[9] There is no evidence

[1] *Cal. Chart. Rolls*, p. 102; the Bishop of Worcester had paid 700 marks for a perambulation here eleven years before. *Pat. Roll*, 1218, p. 162.

[2] *Close Roll*, p. 477, and 1237, p. 11.

[3] *Ib.*, 19 Hen. III, p. 82, and *Cal. Chart. Rolls*, 1235, p. 193.

[4] P. 75. [5] M. 10d.

[6] *Cal. Chart. Roll*, 1227, p. 39.

[7] Stowe MSS., 798 f., 8.

[8] *Ib.*, *f.* 7.

[9] *Cal. Chart. Roll*, p. 122.

forthcoming as to the fate of the perambulations in Hereford[1] and Devon.[2]

The disafforestments actually secured were considerable. The counties of Sussex, Lincoln, Leicester and Middlesex obtained total exemption from the forest. In Derbyshire and Oxfordshire, more than half; in Cumberland, Gloucestershire and Worcestershire, more than a third; in Nottinghamshire, perhaps as much as two-thirds, and in Berkshire four-fifths[3] of the forest area was surrendered by the Crown. The men of Essex secured the disafforestment of Tendring Hundred; the men of York, of the forest between the Ouse and the Derwent. In Northamptonshire, Hampshire and Wiltshire districts more or less considerable were exempted.[4]

But if much was granted, more had been refused. In few of the cases just noted were the full claims of the county conceded. In Northamptonshire, Nottinghamshire, Wiltshire, Hampshire and Essex the perambulations had been more or less severely modified. The counties of Huntingdon, Lancashire, Rutland, Shropshire, Stafford and Surrey had been induced to retract the whole of their demand and remained *in statu quo*. The case of Huntingdon was particularly hard. The county had paid 40 marks for a perambulation in 1218.[5] The jurors who made it had been heavily fined and imprisoned,[6] and after three subsequent perambulations the whole county remained in the forest.[7]

[1] The land of Irchenefeld in Herefordshire was disafforested with the exception of three woods in 1251, for a fine of 200 marks. *Cal. Chart. Rolls*, p. 367.

[2] For Devon forests, *see* note at end of Appendix I.

[3] If the identification of the river Lente with the river Cole is correct (*cf. Pat. Roll*, 1221, p. 288 and index).

[4] In many cases, probably in most, the grant of disafforestment was made by charter and a money payment exacted in return.

[5] *Pat. Roll*, p. 162 and *Sel. Pleas*, xcv., note 8.

[6] *For. Proc. T.R.*, no. 38, m. 2d.

[7] *Rot. Litt. Claus.*, ii. 169; *cf.* the case of Somerset and Dorset above. There is no clear evidence, as we have seen, for any disafforestment at this time in Hereford, Devon, Warwick, Northumberland and Buckinghamshire.

Substantial as the concessions had been, a very large proportion of the forests still remained untouched.[1]

Nor were the revised arrangements in all cases strictly maintained. In Nottinghamshire [2] Henry III subsequently reclaimed lands which had once formed part of the royal demesne. In other cases his ministers bore the blame. Robert Passelewe, when justice of the forest, re-afforested certain woods of the Abbess of Ramsey in Wiltshire.[3] In Berkshire, Robert Passelewe and Walter of Eversley, the forester of Pamber, between them, afforested a wood belonging to Stratfield Mortimer, declaring it to be in Hampshire.[4] In the last-named county considerable re-afforestation took place. Many of the woods expressly put out by the revised perambulation of 1228 reappear in the eyre rolls of the period.[5] The woods south of the river Avon there exempted are included in a perambulation of the bailiwick of Chute later in the reign.[6] In the neighbourhood of Alice Holt a number of woods were afforested, according to the verdict of 1300, by Henry III's ministers.[7] The bailiwick of Bagshot, in N.E. Hampshire, which should have ended by the arrangement of 1228 at Crondall, extended in Edward I's reign to Winchester.[8]

[1] A letter close of June 27, 1238, "to all the sheriffs in whose bailiwicks the king's forests are," names Yorkshire, Cumberland, Lancashire, Northumberland, Nottingham and Derby, Warwick, Northampton, Buckingham, Rutland, Huntingdon, Essex, Berkshire, Hampshire, Surrey, Somerset, Dorset, Devon, Wiltshire, Worcester, Stafford, Gloucester, Hereford; Oxfordshire and Shropshire are omitted, probably by a slip. For a list of royal forests in the middle of the thirteenth century, *see* Appendix I.

[2] *Cf. For. Proc. T.R.*, 133, and plea rolls of the period; there is some indication, too, of interference with the revised arrangements in Northamptonshire, *cf. Close Roll*, 1231, Mar. 26 and *For. Proc. T.R.*, 77.

[3] *Wiltshire Inquisitions* (Wilts Arch. Soc.), pp. 66 and 131.

[4] *Chanc. Misc.*, 11 /3, 2 and 12 /10, 2.

[5] *E.g.*, Pappenholt, Itchen, Musholt, 53 Hen. III. *For. Proc. T.R.*, no. 158; compare *Close Roll*, 1228, pp. 102–3.

[6] *Chanc. Misc.*, 12 /9.

[7] *Pat. Roll*, Supp. 6a.

[8] *Ib.* and *For. Proc. T.R.*, 150, where many of the townships between Crondall and Winchester are to be found; compare the statements as to the adjoining bailiwick of Eversley in 26 Edw. I, D. of Lanc. *For. Proc.* 1 /8.

Such gains, however, did little to compensate for new losses in other directions. Several forests were granted away by Henry in the middle and latter part of his reign. The land between Ribble and Mersey, with the forest of West Derby, was given to Ranulph, Earl of Chester, in 1229.[1] Dartmoor was given in 1239 to Richard, Earl of Cornwall.[2] Edmund, the king's second son, received the forests of Wyresdale, Lonsdale and Pickering in 1267,[3] and two years later the forest of Bere in Dorset.[4] Smaller portions of the forest were granted away elsewhere.[5]

Apart from direct gifts, Henry was lavish in grants of liberties scarcely to be distinguished from complete disafforestment. The Bishop of Winchester's considerable privileges seem to have been conferred, or at least confirmed, and added to by him.[6] Several of the great ecclesiastics and others secured more moderate concessions.[7]

Elsewhere districts were lost to the forest through pure negligence. Such, apparently, were the chaces of the Bishop of Lichfield in Cannock, and of the Earl Marshall in Dean, already referred to.[8] In Huntingdonshire the Bishop of Ely was suffered to appropriate portions of the forest adjoining his chace of Somersham.[9] The eyre roll of 1282 records that when the foresters and verderers went to Benewyk to make inquisition, the bishop's bailiff met them, leading three

[1] *Vict. Hist. Lancs*, iii. p. 3; *cf. Sel. Pleas*, cxii.

[2] *Cal. Chart. Rolls*, i. p. 247.

[3] *Ib.*, ii. p. 78; probably also Amounderness, *cf.* Baines, *Hist. of Lancs*, v. 295.

[4] Hutchin's *Hist. of Dorset*, i. 136; *cf. For. Proc. T.R.*, no. 11, m. 2. Bere had been earlier granted to Simon de Montfort, *Cal. Chart. Rolls*, ii. 8 (1259).

[5] *E.g.*, Dalston in Englewood, *ib.* i. 115; Easingwald in Galtres, *ib.* 122. On the other hand, the king secured the forests of Cheshire on the death of the Earl in 1237, *ante*, p. 143, note 3.

[6] *Cal. Chart. Rolls*, ii. 279 (1284), "temp. Adelmar," *ib.* p. 366 (1286), *Close Roll*, 22 Hen. III, m. 20 and 21; *cf.* terms of John's Charter granting exemption from regard only, *For. Proc. T.R.*, no. 256.

[7] *E.g.* Ramsay (*Ramsay Cart., Rolls Series*, i. 213); Selborne (*Chanc. Misc.*, 12/8); Earl of Chester and Huntingdon, *ib.* 12/3.

[8] *Ante*, p. 145 f.

[9] *Rot. Hund.*, i. 197.

priests with book, cross and candle, to excommunicate the ministers of the lord king, so that no inquisition could be made there that day.[1]

Here and there townships slipped out of the forest. Northover withdrew itself from the pleas of the warren of Somerton in 1268.[2] Huntsham was reported in the early years of Edward I to have been withdrawn from the forest of Dean.[3]

In the forest, as elsewhere, Edward I made some attempt to recover lost ground. Eyre rolls became longer; fines for default increased in number[4]: liberties were more jealously questioned. The Bishop of Winchester's rights were investigated in 1286.[5] Roger le Bigod's liberty of Chepstow, long a nuisance to the forest of Dean, was ordered to be taken into the king's hands in the eyre of 1282.[6] The Bishop of Coventry had to surrender his chace of Cannock, acknowledge that it was within the bounds of the forest, and pay £1,000 to recover it.[7]

Of actual re-afforestment during the last quarter of the thirteenth century there is little proof in the records. The metes and bounds occasionally described on the eyre rolls seem to correspond roughly with the usage under Henry III. Disafforested lands included in them here and there were perhaps thought too small to be noticed.[8] Liberties, where ignored, were no doubt held to be technically forest.[9] The

[1] *For. Proc. T.R.*, no. 45, m. 6d.

[2] *Rot. Hund.*, i. 139.

[3] *For. Proc. T.R.*, no. 31.

[4] Compare the number of townships fined in the Huntingdon eyre of 14 Edw. I, *For. Proc. T.R.*, 45 and 46, with that in 40 Hen. III, *ib.* 41.

[5] *Cal. Chart. Rolls*, pp. 366–7.

[6] *For. Proc.*, no. 30, mm. 8 and 28d.

[7] *Hist. Coll. for Hist. of Staffs*, v. 166 *et seq.* The Bishop of Salisbury's chace of Le Bisschopebere was appropriated by the warden of Windsor Forest with or without the king's knowledge (*Chanc. Misc.*, 12/10, 2).

[8] *E.g.* Penyard in Dean Forest, *For. Proc. T.R.*, no. 30, m. 12d, and no. 31.

[9] *E.g.* Tidenham Chace, *ib.*; Barton and Doddington in Northants, *ib.* on. 74 and *Chanc. Misc.* 12/3.

only clear attempt to revert to the earlier bounds—that made in Whittlewood forest—was apparently abandoned.[1]

With all his efforts, Edward could but delay the process of dismemberment. Already, in 1277, he had felt obliged to offer new concessions. In that year he issued directions for a "right perambulation, namely that which was made in the time of the lord king Henry our father which has not yet been challenged".[2] It is clear that the king had no intention of undoing the settlement of 1228, and intended the concession to apply only to those forests which had not been included in it, or in which its terms had not been faithfully kept.[3] The jurors, if we may judge from the few verdicts extant,[4] took a different view. In Hampshire and Wiltshire the decisions of 1228 were, in most cases, ignored, and considerable disafforestments demanded.[5] In Dorset, where the revision had apparently not been accepted by the county,[6] the bounds laid down followed in some cases word for word those of 1225. In Somerset,[7] they corresponded for the most part with those of 1219. In Berkshire alone,[8] where the claims of 1225 had been conceded at the time, was the *status quo* maintained.

Edward had no idea of parting with such large portions of his heritage, and the perambulations for the most part

[1] *For. Proc. T.R.*, no. 77; two sets of bounds are given, the first including much put out in 1228.

[2] *Pat. Roll*, p. 237: twenty-four counties are named, including Lancashire and Sussex, in which the king had now no forest. Devon and Cheshire do not appear.

[3] *Cf. Chanc. Misc.*, 12/11, 1 and 2.

[4] Verdicts are extant for Berkshire, Dorset, Hampshire, Somerset, Wiltshire. *See* Appendix III.

[5] *E.g.* the whole bailiwick of Bagshot, with the exception of two or three woods, and a great part of Savernake Forest were disafforested. *Chanc. Misc.*, 12/1, 2. The Wiltshire jurors follow in the main a perambulation of the early years of Henry III. It is possible that the Hampshire jurors had also before them earlier perambulations, now lost.

[6] *Chanc. Misc.*, 12/2, 2.

[7] *Ib.* and 12/1, 1; *For. Proc. T.R.*, no. 154, m. 1: "The jurors say that this perambulation is the same as that made rightly in the time of Henry III."

[8] *Chanc. Misc.*, 12/1, 3.

came to nothing.[1] In one or two cases, however, a concession was made. Blackmore, the largest of the Dorset forests, had been created, according to the verdict, by Earl Reginald, brother of Henry II, and extended by John. It now made good its escape.[2] The disafforestment of Northumberland for a yearly payment of 40 marks,[3] is perhaps connected in the same way with the order of 1277.[4]

Hostility to the forest system grew rapidly in the next twenty years, no doubt as a result of the greater strictness shown. It was an important factor in the political crisis at the end of the thirteenth century. Bishops and barons, attacked in their most treasured immunities, readily became the champions of constitutional freedom. Their victory resulted in an order for fresh perambulations in the autumn of 1297.[5] Those relating to part or the whole of six counties remain.[6] As in 1279, the revised boundaries of 1228 were ignored. Half the forest of Dean was put out, and the whole of the Oxfordshire portion of Bernwood. In Somerset, the jurors followed, in the main, the bounds of 1219; in Exmoor, however, they improved on them.[7] In Buckinghamshire, a part of Bernwood which had been left untouched by the jurors of 1219 and 1225, was now disafforested.[8] In Hampshire, the bounds corresponded roughly with those

[1] The king had ordered that nothing be done, "donee de ipso distincte et aperte et absque calumpnia fact et nobis . . . presentata, preceperimus fieri quod de consilio nostro providerimus faciendum;" *cf. Sel. Pleas*, cii. *M. Petit Dutaillis'* strictures on Edward in this connection are perhaps unnecessarily harsh (*op. cit.*, p. 820 *et seq.*); Edward is here following earlier usage, *cf. Sel. Pleas*, xcv., xcvii. and *Rot. Litt. Claus.*, ii. 157, etc.

[2] *Pat. Roll*, Supp. 6a and *Chanc, Misc.*, 12 /2.

[3] *Cal. Chart. Rolls*, 1280, Dec. 28: "those beyond the Coket give 23 marks, those south of the Coket 17 marks," *Chanc. Misc.*, 11 /3, 13.

[4] A few small disafforestments were made at other times during the period, *e.g.* Weverham in Cheshire, *Charter Roll*, 1275, p. 197: land in Over and Sutton, *ib.* 1285, p. 282.

[5] *Sel. Pleas*, p. ciii.

[6] Gloucestershire, Essex, Hampshire, Oxfordshire, Somerset, Bernwood forest, Co. Bucks. *See* App. III.

[7] *Cf. Chanc. Misc.*, 1 /1, 1, and Rawle, *Forests of Exmoor*, pp. 36–40 and map.

[8] If we are right in assigning an early perambulation of Oxfordshire to the year 1219, it may be shown that the same sort of thing happened here.

laid down in 1279. But there was a tendency to ignore the exceptions noted in the earlier verdict.[1] Edward was still unprepared for such sweeping concessions and the perambulations remained a dead letter.

He found it impossible, however, to let the matter rest, and new perambulations were ordered in 1299 and 1300.[2] This time the Crown fared still worse. More than half the remaining forest area was declared to be outside the ancient bounds. In the counties of Huntingdon, Essex, York, Dorset and Somerset, with the exception of Exmoor, the bounds of 1219 and 1225 were followed in the main. In Exmoor, the Buckinghamshire part of Bernwood, and Cumberland these were narrowed still further.[3] In one or two cases the jurors were no longer content with the disafforestments demanded earlier in Edward's reign. In Wiltshire considerable additions were made to the demands of 1279. In Dean, the district wrongfully afforested had altered perceptibly, though not, perhaps, increased since 1298.

In two cases only, where a comparison is possible, do earlier claims appear to have been abated, *viz.* in the counties of Oxford and Surrey. In the last-named county alone was the *status quo* maintained.[4]

Where the encroachments described are of recent date, there is little reason to doubt the care and good faith of the jurors. The same may be said of the comparatively numerous cases where earlier verdicts are followed. Elsewhere it is hard to discover on what authority the dis-

[1] *E.g.* in Bagshot and Eversley bailiwicks, Hampshire *Dy. of Lanc. For. Proc.* 1/8.

[2] *Sel. Pleas*, pp. civ ff. Verdicts relating to all the forest counties except Cheshire are extant; *see* App. III.

[3] The same is apparently the case in Worcestershire. Compare the 1300 perambulation with that in Stowe MSS., 798.

[4] The perambulation was revised in Edw. III's reign, the county maintaining that unfair pressure had been exercised on the jurors by the Crown (*cf.* Manwood, p. 135 ff.); the Berkshire perambulation excludes only a small district afforested under Hen. III. (*Chanc. Misc.*, 12/10, 2); in Nottinghamshire, where Henry III's revision was roughly accepted, the subsequent reservation of royal demesne was ignored.

afforestments were made. In some cases, clearly, the jurors had no written evidence before them. In Warwickshire and Gloucestershire they acknowledged as much.[1] Such evidence, where available, was more than once ignored. An example may be found in Herefordshire, where the wood of Ross, noted as "in defensu regis" in Domesday Book,[2] was none the less excluded as an afforestment of John's time. The discrepancies, already noticed, as to the authorship of the original encroachments, show that often but little trouble was taken to verify the facts.

Whether there was any ground for the divergence from earlier demands where these are still further enlarged, it is impossible to say. It is unlikely that evidence unavailable in 1219 and 1225, or even in 1279, was forthcoming in 1300. Much more likely is it that the jurors, ignorant or careless of the earlier verdicts, invented tests of their own. The moment was favourable, and they may well have wished to make the most of it.

Edward's action in the circumstances is perhaps more excusable than M. Petit Dutaillis would allow. The disafforestments confirmed under the strongest pressure at the Parliament of Lincoln, were revoked at the earliest opportunity.[3] The final surrender was averted until the early years of Edward III.[4] With it, the forest system falls into the background of national history.

[1] *Sel. Pleas*, p. 121; *Gloucestershire Notes and Queries*, vol. 8, p. 7.
[2] F. 176b. *See* also the case of Hewelsfield. *ante*, p. 147.
[3] *Sel. Pleas*, p. cv.
[4] *See* Petit Dutaillis, *op. cit.*, pp. 829 ff.

APPENDIX I

LIST OF ROYAL FORESTS IN THE MIDDLE OF THE THIRTEENTH CENTURY

Berkshire, Windsor.
    Savernake (part).
Buckinghamshire, Bernwood (part), including Brill and Panshill.
    Salcey (part).
    Whittlewood (part).
Cheshire, Delamere or Mara and Moudrem, after 1237.
    Macclesfield ,,
    Wirrall ,,
Cumberland, Allerdale, between Alne and Chalk. *For. Proc. T.R.*, mm. 29, 30.
    Inglewood, between Eden and Caldew, *ib.* m. 33. The name is used in 20 Edw. I (Inq. ad Q.D. xviii. 15) of the Allerdale district also.
Derbyshire, Peak.
    Bolsover. *Cf. Close Roll,* 36 Hen. III, m. 14d.
Dorset, Bere, re-afforested *c.* 1250, *cf. Chanc. Misc.*, 12/2, 2, and Cal. Gen. 35 Hen. III, p. 37; alienated 1259.
    Blackmore.
    Gillingham.
    Poorstock.
    Purbeck, *see* p. 144, note 8.
Essex, forest of; many of the woods within it appear as separate forests in the records.
Gloucestershire, Dean.
    Kingswood: It is not certain whether this was under the jurisdiction of the Justice of the forest.
    Minety, a detached part of the county, was in the forest of Braden.

Hampshire, Alice Holt and Wolmer.
- Bere Ashley.
- Buckholt, connected with Clarendon, Wilts.
- Chute (part), including Finkley and Digerley forests.
- Freemantle.
- New Forest.
- Pamber.
- Porchester, or Bere Porchester, including Halla Haroldi and Rode.
- Windsor (part), comprising bailiwick of Bagshot and Eversley.

Herefordshire, Dean (part).
- Hay of Hereford.
- Irchenfield, disafforested 1251.

Huntingdonshire, forest of, including forests or hays of Weybridge, Sapley and Herthey.

Lancashire, Amounderness, including Bleasdale, Fulwood, Myerscough, alienated c. 1267.
- Lonsdale, including Wyresdale and Quernmore, alienated 1267.

Leicestershire, Sauvey, a small extension of the forest of Rutland, including Withcote.

Northamptonshire, Rockingham, including Brigstock, Cliffe, Geddington, and Northampton Park.
- Salcey (part).
- Whittlewood (part).

Northumberland, forest of, disafforested 1280.

Nottingham, Sherwood.

Oxfordshire, Bernwood (part).
- Shotover, including Stowood.
- Whittlewood (part).
- Woodstock.
- Wychewood.

Rutland, forest of.

Shropshire, Long Forest, in which are occasionally included Long Mynd or Strattondale and Stapelwood, including Buriwood, Lythewood, and Stepelton.
- Morf.
- Shirlet.
- Wrekin or Mount Gilbert, including Wellington and Wombridge.
- Haughmond connected with the last named.

Somerset, Exmoor.
- Keynsham (part of).
- Mendip or Cheddar.
- Neroche.
- North Petherton.
- Selwood.
- Somerton warren.

Staffordshire, Cannock.
- Kinver.

Surrey, Guildford Park.
- Windsor (part).

Warwickshire, Feekenham (part).

Wiltshire, Braden.
- Chute (part).
- Clarendon, including Panchet, and in wider use, Milchet Park.
- Grovely.
- Melksham and Chippenham or Pewsham.
- Savernake.
- Selwood.

Worcestershire, Feckenham.
- Kinver (part).

Yorkshire, Farndale.
- Galtres.
- Langwith Hay.
- Pickering, alienated 1267.

NOTE ON THE FORESTS OF BEDFORDSHIRE AND DEVON AND NEW FOREST, HAMPSHIRE

Bedfordshire: No reference to forest in this county in the thirteenth century has been found later than 1219, in which year an inquisition as to assarts was ordered here as elsewhere. But in the patent roll of 6 Edward II (p. 490) woods at Harrold, Carlton, and Wilden are stated to be in the king's forest. Those at Harrold and Carlton may conceivably have formed part of the adjoining forest of Salcey, in Buckinghamshire, though not mentioned in any proceedings relating to it. The reference to Wilden remains inexplicable, unless we imagine it to have been afforested by Edward II. For the forest of Bedfordshire in the twelfth century, *see Vict. Hist. Bedf.*, ii. 144.

Devonshire: This county presents some difficulty. It does not appear in the orders relating to the perambulations of 1277 and 1297, but it does appear in that of 1299 (*Sel. Pleas*, p. civ. and note). A memorandum on the perambulations in the West returned in 1300 states that "nothing has been done in the said county of Devon regarding the forest of Exmoor, because by the said jurors it has been shown to us that the lord king has no forest in the said county whereby any encroachment could have been made" (*For. Proc. T.R.*, no. 154, m. 5, printed MacDermot, *Hist. of Exmoor*). No allusion to forest land in Devonshire after 1239 has been found in the eyre rolls of Henry III's or Edward I's reign (*cf.* MacDermot, *op. cit.*, pp. 6, 19). It is possible, in view of later references to forest in Devon, that debatable land between Devon and Somerset was included in Exmoor Forest (*cf. Sel. Pleas*, p. cvii., note 8). No satisfactory evidence can be derived from claims to common made at a much later date.

New Forest: Mr. Moens (*Archæol. Journ.*, vol. lx., p. 50) marks all Hampshire west of the river Avon, and part of Dorset, as in the New Forest up to 1279, on the ground of claims to commons in the Forest made in the seventeenth century by villages in those districts. No evidence of their inclusion has been found in contemporary records. On the other hand, there is direct evidence that Rockburne, one of the places concerned nearest to the Forest and attached to it at the time of Domesday, had been lost to it by 1236. In that year Rockburne wood was stated to be in Cranbourne Chase (*Close Roll*, p. 280). Subsequently it was discovered that the lord of the manor, John Biset, enjoyed the rights of chace (*ib.* p. 419). Of the Wiltshire places included by the same writer in the New Forest, one or two were in Milchet Forest, (*For. Proc. T.R.*, no. 202). No reference has been found in the forest proceedings to the others There is no evidence that any disafforestment took place here as a result of the perambulation of 1279. The bounds presented in the eyre of 8 Edward I are clearly not those which the county had laid down as desirable in the previous year.

APPENDIX II

AUTHORITIES FOR THE EXTENT OF THE FOREST IN THE MIDDLE OF THE THIRTEENTH CENTURY, USED IN THE COMPILATION OF THE FOREGOING PAPER AND MAPS

I. *Perambulations and Inquisitions as to metes and bounds.* (For list and references *see* Appendix III.)

(*a*) 1218 *to* 1225 ; these occasionally give information as to the whole of the existing forest, under one head or another, and provide an authority for the later forest, where the old bounds are maintained. In any case they are useful in supporting other evidence.

(*b*) 1227 *to* 1232 ; these have been accepted as evidence of extent in the middle of the century, except where subsequent modification is recorded.

(*c*) 1279 *and* 1298 *to* 1300 ; these in a few cases describe the existing bounds, and are thus valuable as evidence for the earlier forest, where boundaries have remained unchanged, or modifications can be otherwise accounted for. Similar use can be made of those perambulations which give complete lists of "new afforestations" in addition to the "right and ancient bounds." Some caution is, however, necessary, for the lists include here and there woods already exempted from the forests. Such cases are rare and not apparently important. Where, as generally happens, the list of afforestations is incomplete, use may be made of such details as are given, in connection with other evidence.

(*d*) *Notes on the perambulations of Edw. I, temp. Edw. II and Edw. III* ; these occasionally supply the names of disafforested districts lacking in the perambulations themselves, and have been used where they are consistent with earlier evidence.

(*e*) *Metes and bounds* enrolled in the eyres; these were probably presentments by the foresters and verderers only. They tend to ignore liberties within the forest bounds and, perhaps, small disafforested districts. Those of Henry's reign have been accepted as evidence; and those of Edward's reign, after general corroboration by other authorities.

II. *Proceedings in the forest courts other than the above.* These are most important as corroborating and supplementing the information given in the perambulations. Places within the forest appear under the following heads:—

(*a*) Townships responsible for making inquisition; the careful restriction of this duty to townships within the bounds is illustrated by the imposition of a fine in this connection on "half" several border townships in a Northamptonshire eyre roll (*For. Proc. T.R.*, 77).

(*b*) Townships making default; these can be taken as in the forest, unless it appears that they have been summoned on some special count. (Art. 2 of Charter of the Forest.)

(*c*) Townships in which expeditation is enforced (*ib.* Art. 6).

(*d*) Lands in which assarts are noted or where trespasses have taken place.

(*e*) Woods mentioned under the heading of "waste" or of "woodwards"; these are taken to be in the neighbourhood of the manors to which they belong, unless there is reason to suppose otherwise.

(*f*) Charters relating to land in the forest, produced in the eyre.

(*g*) Descriptions of forest bailiwicks.

III. *Grants and mandates enrolled among the charters, letters patent and close, fines, etc., and in private cartularies.* They include

(*a*) Grants of disafforestment, exemptions from the regard and other privileges in particular forests.

(*b*) Grants of forest bailiwicks, occasionally with the bounds described.

(*c*) Orders relating to woods and townships stated to be in certain forests; or shown from the context to be under forest jurisdiction, *e.g.* where the order is addressed to the justice of the forest or other forest official.

IV. Inquisitions relating to the forest in Inquisitions post mortem, and ad quod dampnum, Hundred Rolls, private cartularies and elsewhere.

APPENDIX III

LIST OF EXTANT PERAMBULATIONS AND INQUISITIONS AS TO METES AND BOUNDS

1218. *See Pat. Roll, July* 24.

Huntingdonshire : *For. Proc. T.R.*, no. 38, mm. 1 and 2d : dated morrow of St. Swithin, 2 Hen. III.

Leicestershire : *Chanc. Misc.*, bdle. 11, f. 1, no. 5, dated 2 Hen. III.

Nottinghamshire : *Chanc. Misc.*, 11/1, 6, dated Monday after S. Dunstan, 2 Hen. III.

Rutland : *Chanc. Misc.*, 11/1, 7, printed *Select Pleas of the Forest*, xciv. : dated S. James' Day, 2 Hen. III.

1218 or 1219, *see Pat. Roll, April* 22.

Somerset : *Chanc. Misc.*, 12/1, 1, undated, marked "2 Hen. III" in P.R.O. list, but more probably 3 Hen. III when fresh order issued ; *cf.* MacDermot, *Forest of Exmoor*, p. 117.

1219, *see Pat. Roll, July* 20.

Huntingdonshire : *For. Proc. T.R.*, no. 38. *Chanc. Misc.*, 11/1, 9, *D^v. of Lanc., For. Proc.* 1/11, dated Tuesday before S. Peter in Chains ; *cf.* Rot. Litt. Claus. i. 386.

1219, *Dec.* 13, *see Rot. Litt. Claus.* i. 434*b* ; *Pat. Roll*, 1219, pp. 258–9 ; *Sel. Pleas*, p. xcvi.

Buckinghamshire : *Chanc. Misc.*, 11/1, 14, undated, follows the distinctive lines laid down in the order of Dec. 1219 ; *cf.* inquisition by 24 knights, the reference to Alan de Neville, etc., peculiar to this order.

Cumberland : *Chanc. Misc.*, 11/1, 16, printed *Trans. Cumb. and West. Antiq. and Archæol. Soc.*, vol. 5, N.S., p. 43, undated, by 24 knights before John Marshall and others ; names of the justices are those given in the order of 1219, and the arrangement corresponds with it.

Huntingdonshire: *For. Proc. T.R.*, no. 38, m. 1, undated, by 24 knights, before Hugh, Bishop of Lincoln, Hugh Neville and Walter Malo Clerico; names of justices those given in order of Dec. 1219, with which the arrangement corresponds.

Oxfordshire: *Chanc. Misc.*, 11/1, no. 19, printed Watney, *Forest of Whichwood*, App. iii., undated, by 24 knights, no justices given: arrangement corresponds with that of the order of 1219; probably of this date.

Shropshire: copy in Stowe MSS. 798, f. 1, undated: arrangement as above; probably 1219.

Yorkshire: *Chanc. Misc.*, 11/1, 10, undated, marked "? 4 Hen. III." in P.R.O. list; by 24 knights, no justices given: arrangement as above.

1225, *see Pat. Roll, Feb.* 16, m. 7d. *Rot. Litt. Claus.* ii. 70, 72.

Berkshire: copy in Stowe MSS. 798, f. 8, undated, by 12 knights: refers to "King Henry, grandfather of the lord king, the son of John": entered with the perambulations of 1225, and corresponds with the charter of 1227: gives bounds of Henry II's afforestation only.

Buckinghamshire: *Chanc. Misc.*, 11/1, 15, by 12 knights before Hugh de Neville and 4 others, undated. The names of 4 of the 5 justices are those of the commission of 1225.

Derbyshire: *Chanc. Misc.*, 11/1, 17, before Hugh de Neville, then justice of the forest, and others, undated. The names correspond to the commission of 1225.

Dorset: Stowe MSS. 798, f. 6, Brit. Mus., printed Hutchin's *Hist. of Dorset*, iii. 662, before Hugh de Neville and others, undated: names of justices those of the 1225 commission.

Essex: before Hugh de Neville and Richard son of William, undated, summarised in Fisher, *Forest of Essex*, p. 23, from MS. copy of Bracton, Bod. Lib. Rawl. MSS. c. 158, f. 120; probably 1225.

Huntingdonshire: *Close Roll* 11 Hen. III, m. 18d. *Rot. Litt. Claus.*, ii. 206, dated 9 Hen. III, enrolled in connection with an acknowledgment of error (*cf. Close Roll* 11 Hen. III, m. 19, *Rot. Litt. Claus.*, ii. 169, and Stowe MSS. 798, f. 1), before Anselm of Sideham and Ralph de Bray.

Lancashire : Close Roll, 1228, p. 100, undated, resembles the perambulations of 1225 in character and appears to have been enrolled like that of Huntingdon above at the same date as an acknowledgment of error (*Pat. Roll*, Ap. 20, 1228), and in connection with a verdict restoring to the king "all the forest of Lancashire which was before their perambulation". *Chanc. Misc.*, 11/1, 18.

Leicestershire : *Close Roll*, 11 Hen. III, m. 19d ; *Rot. Litt. Claus.*, ii. 207, before Hugh de Neville and others, undated, apparently of this date and enrolled simultaneously with an acknowledgment of error and restoration of the forest as before, *cf. Close Roll*, 11 Hen. III, m. 19. *Rot. Litt. Claus.*, ii. 169 : in a copy in Stowe MSS. 798, the names of the justices correspond with those of the 1225 commission.

Nottinghamshire : *Rot. Litt. Claus.*, ii. 208, as above, with permission to make further investigation, *ib.* p. 169 : in a copy in Stowe MSS. 798, the names of the justices correspond with those of the 1225 commission.

Oxfordshire : Stowe MSS. 798, f. 7, Brit. Mus., before Hugh de Neville, undated : follows much the same lines as perambulation of Oxfordshire above : probably 1225.

Rutland : *Rot. Litt. Claus.* ii. 208, *cf.* p. 80, undated : enrolled as Leicestershire above.

Surrey : *Rot. Litt. Claus.* ii. 56b, dated Aug. 10, 9 Hen. III.

Sussex : *Rot. Litt. Claus.* ii. 80, dated Aug. 3, 9 Hen. III.

1227–1232. *Records of revision of above and revised perambulations, see Rot. Litt. Claus.* ii. 206, 212 and *Pat. Roll*, 1228, p. 184.

Essex : printed Fisher, *Forest of Essex*, p. 25, *cf.* Close Roll, 1228, p. 102.

Gloucestershire : *Ib.* p. 98, undated, referred to *For. Proc. T.R.*, 284 (temp. Edw. III) as 12 Hen. III : possibly like the Lancashire perambulation above, enrolled at the same time, of the earlier date.

Hampshire : *Close Roll*, 1228, pp. 102–3, acknowledgment of error with corrections.

Huntingdonshire : *Rot. Litt. Claus.* ii. 169, 1227, acknowledgment of error and withdrawal.

Lancashire : *Chanc. Misc.*, 11/1, 18, restoration of all the forest of Lancashire to the king ; dated 12 Hen. III in P.R.O. list.

Leicestershire: *Rot. Litt. Claus.*, ii. 169. Acknowledgment of error and restoration of whole forest.

Northamptonshire: *Close Roll*, 1228, 102. Acknowledgment of error with corrections.

Nottinghamshire: (i) *Rot. Litt. Claus.*, ii. 169. Acknowledgment of error with request for permission to make fresh inquiry.

(ii) *Char. Roll*, 1232, p. 165, and *Close Roll*, p. 86, confirmation of a perambulation undated, "before Hugh de Neville, then justice of the forest, and Brian de Insula".

Rutland: *Rot. Litt. Claus.*, ii. 169, as Leicestershire above.

Shropshire: *Close Roll*, 1228, p. 102. Acknowledgment of error and restoration of the forest, with one exception.

Staffordshire: *Close Roll*, 1228, p. 101. Acknowledgment of error and restoration of whole forest.

Surrey: *Close Roll*, 1228, p. 102, as Staffordshire.

Wiltshire: *Close Roll*, 1228, p. 103, as Hampshire.

Worcestershire: *Close Roll*, 1228, p. 102, as Staffordshire.

Yorkshire: *Close Roll*, 1229, m. 21d; *cf. Chanc. Misc.*, 11/1, no. 22. Acknowledgement of error and restoration of forests named to the Crown.

Early Henry III?

Essex: Regis. of Waltham Holy Cross, Cott. MSS. Tib. cix., f. 184, part only, undated: extracts in Fisher, *Forest of Essex*, p. 21: refers to the "first coronation of Henry, grandfather of the lord the king".

Hereford: copy in Stowe MSS. 798, f. 11d, undated: entered with perambulations of Henry III's reign: form resembles in some respects that of 1219: deals with new afforestation only.

Shropshire: (i) *For. Proc. T.R.*, No. 148. A summary of some perambulation, undated: marked "temp. Hen. III" in P.R.O. list. Eyton describes it as the "first perambulation of Edw. I" (*Antiquities of Shropshire*, ix. 147): it corresponds in effect with that of 1300, and may be of the later period.

(ii.) *Ib.* no. 203: undated, headed "these are the forests which were afforested after the coronation of King Henry 'avi regis nunc'": corresponds in effect with the above, with two exceptions: the forests, however, are called by different names. The document is

included in a bundle of Wiltshire forest claims, dated "temp. Edw. I" in P.R.O. list.

Wiltshire: Stowe MSS. 798, f. 9 ff., by Hugh of Drueys and others, undated, refers to "Henry, grandfather of the lord king". Hugh of Drueys appears several times in connection with Wiltshire in the patent and close rolls of 1219–1232, but not later: *cf.* inquisition in *For. Proc. T.R.*, 225, m. 1, etc.

Worcestershire: Stowe MSS. 798, f. 11, undated, refers to "Henry, grandfather of this Henry": deals with new afforestations only.

Yorkshire: Galtres and Ouse and Derwent Forests, *Chanc. Misc.*, 11/1, nos. 20 and 21; undated, marked (12 Hen. III) in P.R.O. list; may belong to 1225, *cf.* reference to the "king's council" in no. 20: it must apparently have preceded the restoration of the forests in 1229.

Metes and bounds enrolled in the Eyre Rolls of Henry III.

Dorset: Bailiwicks of Blackmore and Gillingham; stated to have been presented in the eyre of 31 Hen. III, enrolled on the eyre roll of 54 Hen. III. *For. Proc. T.R.*, no. 11, m. 1, 1d; Hutchin's *Hist. of Dorset*, iv. 79.

Hampshire: Alice Holt and Wolmer Forest; on eyre roll of 53 Hen. III. *For. Proc. T.R.*, no. 158, m. 3d.

Bere; rough bounds recorded in a grant of the bailiwick before 1226, *Chanc. Misc.*, 12/9, *cf. Rot. Litt. Claus.*, ii. 156.

Bailiwick of Matthew de Columbariis (forests of Finkley, Digerley and Chute). *Chanc. Misc.*, 12/9, included in a roll of transcripts of charters relating to the forest, dated "? 28 Edw. I" in P.R.O. list: contains a reference to the lands of Ralph of Stopham, who was dead in 1241 (*Vict. Hist. of Hants*, iv. 260), and appears therefore to be prior to that date.

Huntingdonshire: Inquisition before W. de Beauchamp and others, by 28 jurors, 28 Hen. III. *For. Proc. T.R.*, no. 38, m. 2: printed *Cart. of Ramsey Abbey* (Rolls Ser. pp. 195, 209).

Rutland: Presented in the eyre of 1269, printed *Select Pleas of Forest*, p. 53.

Surrey: Presented in the eyre of 53 Hen. III, *ib.* p. 61.

Wiltshire: Savernake Forest, inquisition undated, *For. Proc. K.R.*, 2/25. A reference to John Biset, justice

of the forest, places it after the year 1238. One to the bailiwick of William de Bonclive, whose inquisition post mortem appears under 36 Hen. III, places it before the year 1252 : it is endorsed in a late hand "43 Hen. III." There is a similar inquisition in *For. Proc. K.R.*, 2/22.

Worcestershire : Feckenham Forest ; the bounds of the different bailiwicks are given roughly in an inquisition ? temp. Hen. III, *ib.* 3/2.

1277–9, *see Cal. Pat. Rolls*, 1277, *p.* 237, *and Sel. Pleas of the Forest*, ci. ff.

Berkshire : *Chanc. Misc.*, 12/2, 3, perambulation by Sir Peter de Codrey and 9 others, dated 7 Edw. I.

Dorset : *Ib.* 12/2, 2, before Walter Scamel, 7 Edw. I.

Hampshire : *Ib.* 12/2, 4, before Walter Scamel and Matthew Columbariis, 7 Edw. I.

Somerset : *Ib.* 2 copies and *For. Proc. T.R.*, no. 154, m. 1, printed Rawle, *op. cit.*, pp. 38–40. Somerton warren, printed *Vict. Hist. of Som.*, ii. 552 : Before the same.

Wiltshire : *Chanc. Misc.*, 12/2, 2, before Walter Scamel, 7 Edw. I : Groveley and Milchet, printed in Hoare, *Hist. of Wilts*, *Dunworth Hund.*, p. 184, and *Alderbury Hund.*, p. 77, the latter in connection with a perambulation of 1300.

1297–8. *See Cal. Pat. Rolls*, 1298, pp. 323, 329, and *Sel. Pleas of Forest*, p. ciii.

Buckinghamshire : Bernwood Forest : *For. Proc. K.R.*, 1/8, copy of a perambulation dated 26 Edw. I, printed *Vict. Hist. of Bucks*, ii. 132.

Essex : *For. Proc. T.R.*, no. 15, dated 26 Edw. I.

Gloucestershire : Dean Forest, *ib.* no. 255, part given in Rudder, *Hist. of Glos*, App. 2 : dated Feb. 22, 26 Edw. I.

Hampshire : *Dy. of Lanc. For. Proc.*, 1/8, before J. Gilberd, Roger of Hegham, etc.

Oxfordshire : *Cart. of Eynsham Abbey*, ii. 92 ff., by the same.

Somerset : Printed Collinson, *Hist. of Som.*, iii. 56, etc., from a register in Wells Cathedral.

1299–1300, *see Select Pleas of the Forest*, p. civ.

These are to be found for all the counties in which the king had forests, except Cheshire, *see Chanc. Misc.*, 12/10, and *Pat. Roll*, Supp. 6a. A few appear in one or other of these records only : the greater number in both.

Metes and Bounds enrolled in the Eyre Rolls of Edward I.

Derbyshire: Peak Forest, presented in the eyre of 14 Edw. I, printed *Derbyshire Arch. and Nat. Hist. Journal*, xv. 68, and *Vict. Hist. of Derbyshire*, i. 397.

Essex: Bounds given roughly in the eyre of 20 Edw. I. *For. Proc. T.R.*, no. 13, m. 36d: the bounds of the various bailiwicks are also given here, and in the eyre roll of 7 Edw. I, *ib.* m. 36 and no. 12, m. 21.

Gloucestershire: Dean Forest, enrolled in the regard of 10 Edw. I. *For. Proc. T.R.*, no. 31.

Hampshire: New Forest, presented in the eyre of 8 Edw. I, *ib.* no. 161, m. 1d, printed Wise, *New Forest*, p. 40.

Porchester Forest, in the same. *For. Proc. T.R.*, no. 161, m. 8.

Huntingdonshire: Endorsed "*Pleas* of 14 Edw. I, before Roger L'estrange, etc." *For. Proc. T.R.*, no. 43. *Pat. Roll* 14 Edw. III, pt. 1, m. 36. *Cart. of Ramsey Abbey*, i. 211.

Northamptonshire: Rockingham Forest; presented in the eyre of 14 Edw. I. *For. Proc. T.R.*, no. 74, printed Wise, *Hist. of Rockingham Castle*, p. 129.

Salcey Forest, presented in the eyre of 15 Edw. I. *For. Proc. T.R.*, no. 75, m. 2d and 77, m. 1.

Whittlewood Forest: in the same, 2 versions, *ib.* no. 77, m 2.

Staffordshire: Cannock Forest, presented in the eyre of 14 Edw. I, printed in *Hist. Coll. for History of Staffs* (William Salt Society), vol. v. pt. 1, p. 166.

THE NORSE SETTLEMENTS IN THE BRITISH ISLANDS

By Prof. Dr. Alexander Bugge (University of Christiania)

Read December 9, 1921

I esteem it a very great honour indeed to be allowed to lecture before this learned Society, which among its members numbers so many eminent men.

You will probably think that my subject lies far out of the way and is only of very small importance to the study of English history.—But it is my proud conviction that the Norsemen, my ancestors, also have contributed to the moulding of the English nation and of the British Empire. These times, however, lie far back. It is now nearly 900 years ago since Vikings' fleets used to land on the shores of the British Islands and many centuries since the tongue of the Norsemen was spoken here, except in the far away Orkneys and Shetland. Nearly everything that could remind us of them has disappeared. Those times are long ago forgotten when the Scandinavian peoples were feared by other nations, and were of some consequence in European politics. Since then the British nation has spread its sway all over the world, and its destinies lie not in Europe only, but beyond the seas. It is therefore not to be wondered that the English have forgotten their Norse ancestors. There was, however, a time when the fortunes of the British Islands were closely intertwined with those of Northern Europe, a time when these Islands and Denmark, Norway and Sweden seemed destined to form part of one great empire and had comparatively little to do with the outside world.

When an Icelander, a Norwegian, or a Dane 900 years ago came to England, he had no feeling of coming to a foreign

country, but was still among countrymen whose language he understood. An Islandic saga says of the times of King Ethelred the Unready, "There was at that time the same tongue in England as in Norway and Denmark, but when William the Bastard won England, the tongues went asunder. Since that time the French tongue has become predominant in England because he originated from France." [1]

The Viking raids had planted Norwegians and Danes on British soil. The conquest of Canute still further strengthened the Norse element. His empire fell into pieces after his death, and the attempts of his successors in Denmark and Norway to reconquer England were frustrated. It is said that *Hock-day*, the second Tuesday after Easter Sunday, in earlier times, was celebrated in England in memory of the expulsion of the Danes (either the massacre of the Danes in 1002 or the death of Hardicnut in 1042).[2]

The Danes, however, were not expelled; on the contrary, during the reign of Edward the Confessor the Norse element still predominated. To the Shiremotes, even outside the Danelaw, were still, as we see from ancient charters, summoned *all the thanes both English and Danish*. Scandinavian names were in common use, even among the most prominent Saxon families. The Norse *Thingemanlid*, or royal bodyguard, was still in existence, and perished in the battle of Hastings. Even in towns like Cambridge, which for a short time only had belonged to the Danes, the Norse element was very strong. Yorkshire and the Midland counties were even more Norse than English. The Northumberland clerical statutes (*Norðymbra preosta lagu*), written about 1050, and probably in York, are full of Norse loan-words and show that there was still a pagan element in Yorkshire. No wonder that the Latin "saga" of *Siward Digre* (the stout), the famous Earl of Northumberland, written about the

[1] Gunnlaug's Saga, Ormstungu, udg. *ved* Finnur Jonsson (*København*, 1916), ch. 9 (p. 21).

[2] Thomas Blount: "Jocular Tenures," 133. *New English Dictionary*, under "Hock-day".

middle of the twelfth century, is still full of heathen reminiscences and introduces Odin, the pagan god, at the beginning of the career of the hero, predicting his future and giving him a raven banner.[1]

A son of Siward was Earl Waltheof, the martyr of English freedom, who was treacherously put to death by William (1075). He is commemorated by an Icelandic poet who had been in his service. "Late will certainly cease slaying of men in England," with these words a Norseman closes the Pre-Norman period.

Even after the Norman conquest the Norse element continued to live. A London antiquary of the thirteenth century, in a commentary on the so-called Laws of Edward the Confessor, tells us that since the reign of King Arthur there have been continual wars between the English and the Norwegians. "The Norwegians," he continues, "occupied many districts and islands of this realm which they still keep, and afterwards it has never been possible to expel them." "Therefore," he concludes, "the Norwegians have, since the time of King Edward the Confessor, been allowed to live among us and to stay in this realm as our sworn brethren and like the proper citizens of this realm."[2]

The author of this fanciful commentary no doubt partly thinks of the Isle of Man, the Hebrides and the Orkneys, which in his time still belonged to Norway. But he must also have known that both Norwegians and Danes had founded settlements in England, where their descendants still were living.

In this connection I must call attention to a mistake that is made by several scholars,—namely, that they speak only of Danes in the British Islands, at least in England and Ireland. Even in the Isle of Man, which during centuries

[1] The raven was, as you know, the bird of Odin, and many famous Viking chieftains, *e.g.* the sons of Ragnar Lodbrok, possessed raven banners, which, when the raven unfolded its wings, always brought them victory.

[2] Liebermann: *Gesetze der Angelsachsen*, i, 666 (*Leges Edwardi Confessoris*, 32 E, 3–6).

(until 1266) formed a Norwegian dependency, people now speak of Danes, not of Norwegians. On a suggested monument to Orry or Gorry (*Guðrøþr*), the first king of Man, the inscription is "Orry the Dane, Kynge 947".[1]

In earlier times, however, the Norwegians were remembered nearly as much as the Danes. Prophecies both in England and Scotland told of "the Black Fleet of Norway." Among the charges made against the Vicar of Muston in 1537 was that he had "a roll of prophecies from the White Friars of Scarborough." The prophecies, among others, told that "when the black fleet of Norway was comed and gone, after in England should there be war never."[2]

Both in Scotland and Ireland the Scandinavian settlements were chiefly Norwegian.[3] The history of the Viking raids, as well as the traces of Scandinavian language found in Ireland, point in this direction. As the descendants of Ragnar Lodbrok also became kings of Dublin, there must likewise have been a Danish element in the Norwegian settlements in Ireland. Limerick was possibly a Danish colony.[4]

In England it is now generally acknowledged that the Lake District was settled by Norwegians. But for the Danelaw proper nearly all writers only speak of Danes.[5] The original Scandinavian settlers there, of course, were Danes. About 900, however, the Norwegians were temporarily driven away from Ireland. Some of them settled in Western England, but a great number came to Yorkshire, and after that time there began a strong Norwegian immigration to this country. King Eadward, the Chronicle tells us, shortly

[1] Mannin, publ. by the Manx Language Society, vol. i. 8.

[2] *Letters and Papers, Foreign and Domestic, Henry VIII.*, vol. xii., n. 1212. "The Black Fleet of Norway" probably is a reminiscence of the expedition of King Haakon of Norway to Scotland, A.D. 1263.

[3] *Cf.* Marstander: *Bidrag til det norske sprogs histoire i Irland* (Christiania Vidensk.-selsk. shrifter. II. 1915. No. 5).

[4] In the Irish chronicles and tales written in Munster the Vikings are usually called *Danair* (Danes).

[5] Liebermann, in his editions of the *Anglo-Saxon Laws*, is one of the very few exceptions.

before his death was "*chosen as father and lord, by all the Northumbrian peoples, whether English, Danish or Norwegian*".[1]

This Norwegian stream from the Hebrides and Ireland is the reason that in the Domesday survey of Yorkshire we find so many Irish, and especially so many typically Norse-Irish personal names, as *e.g. Gilemichel* ("the servant of Michael"),[2] *Ghilepatric* ("the servant of Patrick"),[3] *Maccus*,[4] *Glunier* (Goid. *Gluniarain*, a translation of O.N. *Járnkné*, "Iron knee"),[5] and *Finegal* (Goid. *finn-gall*, "a white foreigner, a Norwegian"). Among the place-names we meet with *Finegala*,[6] now Fingall, a small village in North Riding, Yorkshire (*i.e. Fine-Gall*, "the District of the Foreigners," the Irish name of the County of Dublin, preserved in the Barony of Fingall).

Not only in Yorkshire, however, but also in the Midland counties, and even in Norfolk, there must have been a considerable Norwegian element. The Anglo-Saxon poem on King Eadmund's reconquest of the Five Boroughs, mentions both Danes and Norwegians. In York, Lincoln, Stamford, Cambridge, and probably in Chester, from the eleventh to the thirteenth century, we find the so-called "lawmen" or *lagemanni*, who in the number of twelve were a sort of judges and magistrates or aldermen, the earliest example of English municipal officers. *Lagemannus* is a loan-word from old Norse *lögmaðr*, but the institution itself is typically Norwegian, no traces of lawmen being found in Denmark, while the Swedish "lawmen" occupied a different position.[7] The same is the case with the *holds* who, since

[1] *The Anglo-Saxon Chronicle*, ed. Earle and Plummer, vol. i, p. 104 (a° 924).

[2] *Cf.* the translation of the Yorkshire Domesday, "A History of Yorkshire" (*Victoria County History*, II), 203a.

[3] *Ibidem*, 200a.

[4] *Ibidem*, 268c.

[5] *Ibidem*, 206c, 246c.

[6] Domesday Book, II, 312, col. 2.

[7] The original meaning of the word *lögmaðr* is "learned in the law," *juris peritus* as *lagemannus* is rendered by medieval writers.

the beginning of the tenth century, were leaders of the Viking armies in England, in rank beneath the kings and earls, and in the eleventh century corresponding to the High Reeve among the English. The *holds* represent the Norwegian *hölðar* or *hauldar*, who were a kind of higher yeomen, the owners of allodial land, but who are quite unknown in the other Scandinavian countries.

The place-names point in the same direction. In many, perhaps in most cases, it is impossible to decide whether a place-name is of Danish or Norwegian origin.

The Scandinavian names which we find in ancient English charters have mostly been misspelt and miswritten by scribes quite ignorant both of Danish and Norwegian, and sometimes even of English. Besides, many words and endings were in use in Denmark as well as in Norway, or had forms which were closely similar to each other. I can give one instance. A great part of the Scandinavian place-names in this country end in *by* (*bi*), *e.g. Grimsby*, *Whitby*, *Derby*. This ending comes from Old Norse *býr*, *býr*, which was used in Denmark, Sweden and Eastern Norway, and means "a manor, village, town." The corresponding West-Norwegian and Icelandic form is *bœr*, *bø*, which would give a Middle-English *be*. This form is actually found in Domesday.[1] The other form, the ending *by*, is, however, the predominant one, and must in many places have supplanted the West-Scandinavian form.

A great many place-names which have got this ending, have as first member a personal name which is not Danish, but Norwegian or Hiberno-Norwegian. Thus several townships and villages in Cumberland, Lancashire, Yorkshire, Cheshire and Lincolnshire are called Ireby or Irby—*Irebi* or *Iribi* in Domesday Book—that is Old Norse

[1] *E.g. Helesbe* [now Helsby] in Cheshire (Domesday Book, II, 263c). Forms like *Derbei* [West Derby] and *Fornebei* [now Formby, West Derby Hundred] also pre-suppose an Old Norse nominative ending in *-bœr*, or rather a casus obliquus ending in *-bœiar*.

Írabýr, "the township of the Irishman." They must have been named after Norwegians who from Ireland emigrated to England.

Some of the principal elements of the Scandinavian place-names in England seem, however, to be Danish, while others are acknowledged as Norwegian. Danish are most probably the names ending in *-thorp(e)* (*þorp*). These names occur chiefly in the Danelaw districts.—In Norway and in the Lake District, where mostly Norwegians settled, they are comparatively rare.[1]—It must, however, not be forgotten that *thorp* (*þorp*), although rarely occurring in Old English, is a common Teutonic word. But when a place-name ending in *-torp* begins with a Danish personal name, *e.g. Tovetorp* in Yorkshire,[2] we may at any rate be pretty sure that it is of Danish origin. Danish likewise are the names ending in *-toft* ("homestead").—In Domesday Book *Toft* and *Toftes* are found in Lincolnshire and Yorkshire; besides, the word *toft* very frequently occurs in ancient Danelaw charters.

Norwegian, on the other hand, are probably the names ending in *-thwaite,* which still survives in North-English dialects, like *tveit* in Modern Norwegian, meaning "a forest clearing, a small hamlet." The word is cognate with O.E. *þwîtan,* "to cut," and probably originally means "land separated or cut off from its surroundings." In Norway many farms or manors from the viking age, or even older, have names ending in *-þveit.* They seem originally to have formed a part of larger estates. In some cases, however, *þveit* also in Norway merely signifies "house, abode, estate." In this meaning the word is used in many North-English place-names, *e.g. Finsthwaite,* a hamlet and parish in Lancashire, near the foot of Windermere (that is "the

[1] *Thorp* is in Domesday Book only found in Derbyshire, Leicestershire, Lincolnshire, Northamptonshire, Nottinghamshire, Staffordshire and Yorkshire. It is, however, both alone and in compounds also found in Lancashire and Cumberland.

[2] Tove [O.N. *Tófi*] was a very common name in Denmark and came from there to Norway.

estate or portion of *Finn*," a common Norwegian name), and *Haverthwaite*, village in Colton parish, Lancashire (a compound of *þveit* and *Hávarðr*, another common Old Norwegian name).[1] Of the 232 place-names ending in *-thwaite* which are known in England, no less than 83 are found in Yorkshire, 11 in Lincolnshire, and 7 in Norfolk. This also seems to indicate that all over the ancient Danelaw there was a considerable Norwegian element.[2]

Several other of the principal elements of many North-English place-names are likewise West-Scandinavian, and not found in Denmark or Sweden, *e.g. gil*, which still in Yorkshire (like the corresponding Icelandic *gil*) means "a deep, narrow glen with a stream at the bottom." And further, *breck*, which is very common in Lancashire, *e.g.* Gray Breck, Lanc. S., Norbrick, Poult., Scarisbrick, Liv., and is derived from Old Norwegian *brekka*, "a slope." The corresponding Danish word is *brink*, from which the modern English *brink*, "edge of a hill," is derived (this word is also found in *Brinkworth*, Wiltshire). In most cases, however, it is impossible to decide whether a place-name is of Norwegian or Danish origin.

Even the diphthongs do not help us. In modern times, and even in the Middle Ages, diphthongs are, as you know, only found in West-Scandinavian. In Norway we say *stein* ("stone"), while the equivalent Danish form is *sten*. We cannot, however, conclude from this that *Steinesecher*, which occurs in the Chartulary of Whitby,[3] is a Norwegian name. We know from Runic inscriptions that diphthongs

[1] I am well aware that the word *tved*, corresponding to Old Norse *þveit*, is found in Danish. It is, however, very rarely used in place-names, and never in the meaning of "portion, estate." The Danish word only means: "a field, cleared of wood." This Danish word occurs in a document printed in the Chartulary of Whitby: *in Midethet, i.e.* "the tved, which is situated in the midth" (The Chartulary of Whitby, n. DL, xvii., p. 577).

[2] Some of the place-names ending in *-thwaite* date from the Norman period, or perhaps even later. Carlton Husthwaite, a village in Yorkshire, is in Domesday Book called Carlton ("A History of Yorkshire," II, 212).

[3] *Cf.* below p. 187.

were still in use in Denmark in the tenth century. The Danes who settled in England certainly must have used diphthongs. Thus the name of the Danish king Svein is written *Swegen*, which presupposes that it was pronounced with a diphthong.[1] In some cases, however, we see that the Danes in England have not used diphthongs. In the Lake District and some parts of Yorkshire we can find the form *thwaite* with diphthong, but in the Danish Whitby we find the form *thet*, which corresponds to Danish *tved* (in the above-mentioned *Midethet*, *i.e.* Old Norse *Midpveit*, "the Middle Thweite").[2] In the same way Old West Scand. *Sveinn*, Dan. *Sven*, is in Lancashire documents constantly written *Swein*, *Swain*, *Swayn*[3] while in the Yorkshire Domesday it is written *Swen*.[4] In other cases we see that the diphthongs had a tendency to disappear. A place in Lancashire is in 1286 called *Aykesko*, but a field belonging to the same *Exco*.[5]—*Aykesko* is Old West Scand. *Eikiskógr*, "Oak forest"; *Exco* is the same name, only without diphthongs. —On the other hand, even in the Whitby Chartulary we find many Scandinavian names which have preserved their diphthongs, *e.g. Steinesecher*, *Setwait*, and *Jasteinswad*. Whether this is due to Norwegian influence, I do not know. We must also remember that the Norsemen in the Viking colonies in England—as well as in Ireland—having been for a long time separated from their compatriots, spoke a language that contained many traces of antiquity which had long ago disappeared in the Scandinavian countries.[6]

[1] I am indebted for this suggestion to Professor W. A. Craigie.

[2] The Chartulary of Whitby, p. 577.

[3] A Calendar of the Lancashire Assize Rolls, translated and calendared by Colonel John Parker (The Record Society), pp. 34, 39 (a° 30 Henr. III), 186, 189, (a° 12 Edw. I).

[4] "A Hist. of the County of York" (*Vict. County Hist.*), II, 285a.

[5] Lancashire Inquests, etc., I.

[6] In Lancashire as well as in Yorkshire O.N. *Ólafr* is written *Anlaf* (*Andelaveserewe* 1202, now Anglezark). In a Yorkshire charter of the end of the eleventh century we find *Bareth*, which represents *Bárøþr*, a more ancient (ninth or tenth century) form of *Bárðr*.—The same name is in Irish sources written Barith, Calendar of Charter Rolls, III, 113 (Confirmation of charters in favour of St. Mary's, York).

Thus in Cumberland O.N. *Óspakr*, a man's name, is written *Unspach*.[1] The present Torrisholme in Lancashire is, in 1202, written *Toredesholm*[2] (*Toredes* presupposes the Old Norse *þorøðr*, a more antique form of *porðr*). A property belonging to the monks of Holm Cultram in Cumberland is, in 1226, called *Hochthweith*, but in other instances *Hothweith* (O.N. *Háþveit*).[3]

In many cases, however, it is difficult or nearly impossible to ascertain whether a word or a name is of Scandinavian origin or not. The two languages, Old English and Old Norse, were much more alike than Modern English and Modern Norwegian, Danish, or Swedish, and words or names which we happen to know only from Old Norse or from Modern Norwegian or Danish may in Anglo-Saxon times also have been in use in English. Nevertheless, not only the Danish, but also the Norwegian influence must in many parts of England have been very strong.

I believe that in almost every county within the Danelaw, besides the Danish, there must have been a Norwegian element. Not only many place-names, but also a great part of the Scandinavian loan-words in Middle English can only be explained from West Scandinavian, *i.e.* from Norwegian.

A still more difficult question is it to decide how long the Scandinavian element, and especially the Old Norse language, survived in the different parts of the British Islands. We have no written evidences, no charters written in Danish or Norwegian (except in the Orkneys and Shetland), but only a few Runic inscriptions. The evidences are mostly accidental, and what we may conclude from stray words and names in Latin documents. Our conclusions will therefore necessarily only be approximate.

The Scandinavian settlements naturally fall into two parts, those within the Danelaw and in the eastern part of

[1] Pipe Roll, 29 Henry II, p. 6.

[2] Lancashire Fines, I, 58.

[3] The Pipe Rolls of Cumberland and Westmorland, ed. by F. H. M. Parker, p. 13.

England, and those outside the Danelaw and on the West coast of England. Within the Danelaw, where the Danish element prevailed, the Scandinavian settlers lived among an English-speaking population whose language they could easily understand. Therefore the two races at an early time were already mixed, and the Scandinavian language was not able to survive quite as long as in Western England, where the Norsemen partly lived among a Celtic-speaking population, and where, even late in the twelfth century, we find strong traces of a bilingual population.

Norfolk and Suffolk, the ancient kingdom of East Anglia, was the first of the Viking kingdoms that was reconquered by the Saxon kings. It is, therefore, natural to suppose that the Scandinavian element in this part of England disappeared comparatively early. This was not, however, the case.

Not only in the towns, but even in the country, at the end of the thirteenth century, we still find strong traces of Scandinavian influence. The manorial documents relating to the village of Martham, about ten miles N.W. of Yarmouth, which have been investigated by the Rev. William Hudson, throw great light upon the social conditions of Norfolk, especially in the thirteenth century.[1] Martham is situated in the middle of a number of Scandinavian, probably Danish, settlements. Between Martham and Great Yarmouth we find no less than 10 *by*-names, Hemsby, Scrabby, Ormesby, Rollesby, Clipsby, Filby, Thrigby, Mantby, Stokesby, and Herringby. Most interesting is a survey of the Manor in 1292, contained in a MS. volume in the British Museum, entitled Stowe MS. 936. We find in this survey a great number of Scandinavian field-names.[2] Many of them end in *-tofte* or *-tofts*, *e.g.* Blakemanstofte, Crakestofts,

[1] "The Anglo-Danish Village-Community of Martham, Norfolk: its pre-Domesday Tenants and their Conversion into the Customary Tenants of a Feudal Manor in 1101." By Rev. William Hudson, F.S.A., Norfolk and Norwich Archæological Society. Vol. xx, pp. 273–316. *Cf. Transactions R. Hist. Soc.*, 4th Ser. Vol. i, p. 28, *seq.* and above p. 23, *seq.*

[2] Mr. Hudson kindly lent me a list of the place-names occurring in the survey.

Dramgotstofte, Frendrovestofte, Gunnestoft, Hailstonestofts, Hardingstofts, Haygatetofts, Morgrimestofts, Pissonestofts, Salterntofts, Southgatetofts, Spissontoft, Willetoft and Yvltoft. Several of these names have, as everybody can see, a distinctly Scandinavian appearance, f.i. Blakemanstofte (O.N. *Blökumaðr*, "a Walachian"), Frendrovestofte ("frænderov" means "a plunder from relatives"), and Gunnestoft (O.N. *Gunni*, a personal name). Still more interesting is it, however, to find, among the field-names of Martham, several ending in *-wong* (O.N. *vangr*, "meadow"), which, as we must suppose, was the original Danish name of the cultivated land belonging to the village of Martham,[1] *e.g.* Breechwong, Holbukkeswong, Stiwardeswong, Skolewong, and Westwong. These names presuppose a strong tenacity of life in the Scandinavian element. It is, therefore, only natural that in the List of the "former" tenants of Martham in the survey of 1292 we find a number of Scandinavian personal names: Stiward Yware (O.N. *Ývarr*); Blakeman Yware; Ses, Yware de; Ses, Unbeyn de; Geoffrey, Yware, son of; Harald (O.N. Haraldr) Nicholas; Sunnof (O.N. *Sunnulfr*) John; Spac (O.N. *spakr*-"wise") Hugo; Frone, Gunnilda (O.N. *Gunnhildr*); Spac, Roger; Bo, Ulwina (O.N.), Anant Roger, son of Yware (a descendant of Anund [O.N. *Önundr*], son of Ulwina, who is mentioned in 1198);[2] Mey (O.N. *mær*, gen. *meyjar*, "a young woman"); Yware, Roger, son of Stephen; Sort (Dan. *sort*, "black"?), Matilda; Tucke (O.N. *Toki*?), Wymarcha. All these personal names and field-names would not have been used if there had not been some traces left of Scandinavian language in the Martham district.

In the Midland Counties which, during the sway of the Vikings, formed the powerful confederation of the Five Boroughs, as well as in Yorkshire, the Norse element, upon the whole, must have been much stronger. Yorkshire and Lincolnshire formed the heart of Scandinavian England.

[1] *See* above, p. 37, and below p. 188. [2] Hudson, p. 296.

Further north there are only slight indications of Scandinavian settlements in Durham, Northumberland, and Southern Scotland.

Among the aristocracy of Yorkshire and Lincolnshire the Scandinavian names seem to have dropped out of use in the latter part of the twelfth century. Among the peasants and in some towns, *e.g.* Grimsby, York, Whitby and Scarborough, they were in use much longer. In York, in the fourteenth century, we still find Scandinavian names and nicknames.

I may also mention that new personal names must have been coined by the Norsemen in the Danelaw counties as late as in the eleventh century, *e.g.* the Latin *Romfarus*,[1] which corresponds to O.N. *Rúmfari*, ("a man who has made a pilgrimage to Rome"). How common these Scandinavian names were, we may infer from Professor Stenton's recently published *Danelaw Charters*. He points out that of the 507 Anglo-Scandinavian personal names recorded in his edition (mostly of the twelfth century), 266 may definitely be regarded as of Norse origin or including Northern elements.[2]

Still more instructive, however, are the place-names. Snorre Sturlason, in his "Heimskringla," says that "the country of the Northumbrians was mostly inhabited by Northmen since the sons of Lodbrok acquired that country", and he mentions several Norse place-names.

In Domesday Book a great number of place-names in Lincolnshire and Yorkshire have still preserved their Norse case-endings, e.g. *Uplithum* ("the upper slopes"), *Westlidum* ("the western slopes"), *Haugum* ("the hills or mounds"), all of which are dative plurals. We can even see that the Norse names were still inflected. In the Domesday survey of Yorkshire we regularly find the ending *bi* that corresponds to Old Norse *býr* or *býr*, e.g. *Danebi*, *Ormesbi* and *Tormozbi*. But in a supplement written a little later, and no doubt by another scribe, the same names are written *Danebia*,

[1] Early Yorkshire Charters, n. 275 (in Lincolnshire).
[2] Introduction, p. cxiv.

Ormesbia, and *Tormozbia*, which forms correspond to the genitive case of *býr*. Among the personal names, we meet with *Uluer* (O.N. *Úlfr*) and *Berguluer* (O.N. *Bergúlfr*), which both have preserved the Old Norse nominative case-ending *-r*.[1] Most instructive is the above-mentioned life of Earl Siward of Northumbria, written a little after 1150 in the Monastery of Croyland, in Lincolnshire. Although written in Latin, it is more like an Icelandic Saga than a medieval chronicle, and has justly been called a Viking Saga. It renders oral tradition and is full of Norse words. Siward himself is called *diere* (that is *digri*, the stout), his son is nicknamed *Bulax* (that is Old Norse *boløx*, "axe for hewing timber"), and his banner is called *Ravenlandeye*, Old Norse *Rafn Landeyðir*, "the raven, that lays waste the country"; the Latin text of the saga even uses the Old Norwegian name for the Orkneys (*Orkaneia*, that is Old Norse *Orkneyjar*) instead of the Latin *Orcades*. The most remarkable thing, however, is that the nick-name of the earl in the nominative case is written *Diere*, but in the accusative, *Diera*. These forms correspond to the Old Norse nominative case *digri* and accusative case *digra*.[2] In the Norse dialects of Lincolnshire the adjectives were still inflected thus as late as 1150.

Early Lincolnshire charters point in the same direction. Thus when we find in a charter of the time of Henry II mention of three acres of land lying *oust in wra*, this is not English, but Old Norse *austr í vrá* ("east in the corner").[3] The north-eastern part of Yorkshire was, perhaps, even more Norse. *Whitby* has been called the most Scandinavian part of England. Several inhabitants of Whitby have, at the end of the twelfth century, got the surname or byname *Danus*, no doubt because their ancestors were Danes.[4]

[1] *A History of Yorkshire*, II, 274c.

[2] Langebek: *Scriptores rerum Danicarum*, III, 288, 299.

[3] *Danelaw Charters*, n. 124.

[4] Chartularium Abbatiæ de Whiteby (Surtees Society, vols. 69, 72), pp. 64, 453, 519. Thomas Danus, Petrus Danus.

There are, however, Norwegian traces even in Whitby.

In Whitby and Cleveland a sort of Scandinavian tongue must in the latter part of the twelfth century still have been in use. The town of Whitby was divided into two parts, *Overbi* and *Neðrebi* (" the upper " and " the lower town ").[1] *Overbi* corresponds to the present High Whitby. *Over*, of course, is English, but it may have supplanted the Norse *Efra*. *Neðre* (" lower ") may as well be Norse as English. The two names at any rate show that the original meaning of the word *by* (*bi*) was long known.—*Neðrebi* was also called *Steinsecher* (O.N. *Steinsekra*, "the cornfield of Stein"—a Norse name), while *Haukesgarth*, (O.N. *Hauksgarðr*, " the garth or yard of Hauk "—a Norse name) was also called *Gnipe* (O.N. *gnípa*, " a peak ").[2] These double names, both of them Scandinavian, would not have been used if the inhabitants of Whitby themselves had not spoken a more or less corrupt Danish dialect. Just outside Whitby there was a place called *Thingewala* (O.N. *þingvellir*), where the inhabitants held their " thing " or court. Nearly all the manors and townships of the district had, about 1200, still got Scandinavian names.[3]

The field-names of the Whitby district and of some parts of Lincolnshire are likewise Scandinavian, and faithfully render all the characteristic features of the *Danish village system*. In the township each man had his homestead, which, as in Denmark, was called *toft*, and, besides, he had his share of land ; " toft and croft " is the usual expression.

[1] Chartularium Abbatiæ de Whiteby (Surtees Society, vol. i, pp. 3, 29, 118.

[2] *Ibidem*, p. 3.

[3] The names are enumerated in the Chartulary of Whitby (I, p. 3) : *Villam et maris portum de Witebi* (O.N. *Hvítabýr*), *Overbi et Neðrebi, id est Steinesecher, Thingwala*, Leirpel (O.N. *Leirpollr* "clayey nook"), *Helredale* (the ending is O.N. *dalr*, " a valley "), *Normanebi* (O.N. *Norðmannabýr*, " the village of the Norsemen "), *Fulingam et alteram Fulingam, Berthwait* (O.N. *Berúpveit* ?), *Sethwait* (O.N. *Sævarþveit*), Snetune (O.N. *Snjótún*), *Hugelgardebi* (*Húglgarðabýr* ?), *Sourebi* (*Saurbýr*), Risewarp (O.N. *Hrisvarp*), *Neuham* (an English name), *Stachesbi, Baldebi* (O.N. *Baldabýr*), *Brecha* (O.N. *Brekka*), *Flore*, Dunesleia. Of these names *Brekka*, " a brink, slope," is probably not Danish, but West-Scandinavian.

In the Danish village that part of the land which was cultivated was fenced and called "*vang*." This word (*wang*) we also find in early Yorkshire and Lincolnshire charters.[1] In the "*Vang*" each peasant had his lot or share which in Denmark was measured by a rope (this was called "Markrebning"). In the Danelaw villages it seems to have been the custom to measure the shares by a rod or wand. Therefore they were called *wandail* or *wandela*.—Outside Yorkshire we also find this word in Furness.[2]

In a charter of about 1200, printed in the Whitby Chartulary, Lord Richard Percy gives to this monastery all his "land of *Midethet*, from the balk that is between the *wandales* of my demesne and the *wandales* of my homagers".[3] In this passage the name *Midethet* is also remarkable; it means "the field which is situated in the middle"; the latter part of the word being the Danish *tved* and not the Old West Scandinavian *þveit*. *Wandale* has even in modern times been in use in Yorkshire, but is now obsolete. Wright, in his *English Dialect Dictionary* (VI, 37b), translates it: "A single division or share of a large, open, arable field belonging to a township". The word is probably a compound of *wand* (O.N. *vöndr*) and O.N. *deill*, "lot, share," and originally means a share or lot of the arable field which has been measured by a wand.[4]

We also, as in Denmark, hear of the common pasture. The meadow is, as in the Scandinavian countries, called *eng*. In this meaning *ing* is still used in the North of England and in Sussex.—In a late thirteenth-century charter Rolf de Amundeville speaks of ten acres of meadow at Carlton le Moorland in Lincolnshire situated "*in Est eng simul in uno loco qui vocatur Adeleng in sud parte quod antea les landsetles*

[1] *Danelaw Charters*, n. 153: 4 acras terre et dimidium in territoria de Thoresthorpa in loco qui vocatur Fenuanga.

[2] Furness Abbey Coucher Book (Chetham Soc.), pp. 364, 368, 412 f. 462.

[3] P. 526: totum terram meam de Midethet a balco qui est inter vandelas demenii mei et vandelas hominum meorum.

[4] *Cf.* Lindkvist, p. 35 n.

tenuerunt et postea mihi reddiderunt".[1] *Adeleng* is Danish and means "the chief meadow". The word *Adel* is very often found in names indicating parts of the Danish village, e.g. *adelstraede*, "the chief street between the houses". The Lincolnshire *Adeleng*, as we see, originally also belonged to the township, and not to the manor.

Outside the Danish village there were hedged fields, often partly covered by trees, where the celebrated Danish horses used to graze, the so-called "hestehaver" (O.N. *hagi*). Outside the villages in Yorkshire and Lincolnshire there were similar enclosures, called in Old English *haga*, Modern Engl. *haw* (the same word as O.N. *hagi*).

We see how closely the Danelaw village corresponds to the Danish one. Even as late as 1446 we find distinctly Scandinavian field-names as *Wolfhow*, *Lynghowflat*, and *Korngarthflatt* (that is "the enclosed cornfield").[2]

The towns, especially York and the Five Boroughs, likewise long preserved their Scandinavian character. A field outside Leicester is in 1292 called *Geldiswong* (O.N. *Gildisvangr*, "the meadow of the guild" ?),[3] another place just outside the town was called *le Skeyth*,[4] no doubt because the inhabitants here, as usually in Norway, had horse races (O.N. *skeið*). Norse was, I believe, in the twelfth century still the language of the law-courts. The Customs of Leicester, one of the Five Boroughs, are preserved from *c.* 1270. Their language is French, but many words and institutions are Scandinavian. If a man was accused of a crime, he was allowed to deny the accusation and had, according to Scandinavian custom, to find five compurgators. This was called "to say *Thwertutnay*".[5] If he did not deny,

[1] *Danelaw Charters*, pp. xlv.–xlvi., n. 5.

[2] The Chartulary of Whitby, 328 f.

[3] Records of the Borough of Leicester, I, 392.

[4] *Ibid.*, I, 399 (1322): "a tenement in le Skeyth . . . stretching from the said road to the common footpath."

[5] Borough Customs, I, 163: LEICESTER. *Thwerthrounay, Gens només*, E pur ceo ke avaunt fu usé ke le defandaunt ne poeit a la pleinte aultre chose respundre for tut granter ou tut dire *Twertutnay*, e quant il avoit dit le *nay* deveit estre a sa ley sei sisme meyn ("had to be at his law himself the sixth hand", *i.e.* to find five compurgators).

he was considered *swareles*, and was not allowed to defend himself.[1] Both words, *thwertutnay* and *swareles* are Old Norse. *Thwertutnay* is O.N. *þvert út nei, i.e.* "flatly no" (*cf.* O.N. *setja þvert nei*, "deny flatly"),[2] *Swareles* is O.N. *svarlauss*, "without answer."

In another passage of the same Borough Customs we find the word *forfal*: "Also if the defendant has found pledges or mainpernors for his appearance at the court on a certain day, and he cannot be there, let the pledges or the mainpernors, if he wishes, have on the day a *forfal* for him instead of an essoin, as was formerly the custom, and then let them produce him on another day."[3] *Forfal* is also a Scandinavian word (O.N. *forfall*), meaning the same as essoin, "excuse for not appearing on a fixed day".—It is also worth noticing that all these words are said to have been used in ancient times (*cum avaunt fut usé*); they are, in other words, relics of a time when Norse was the language of the law-courts of Leicester.

In all these towns the homesteads were called *toft* and the streets *gate*. This word is still in use in Northern England and Scotland in the meaning of "way, road," and is derived from O.N. *gata*, which means the same. The common English gate, "an opening" (O.E. *geat*), is a different word. In York there is, as you know, still a great number of Norse street-names, *e.g.* Fishergate, Goodramgate, Sheldergate (from Old Norse *Skjaldari*, "a shieldmaker"), and Micklegate. Yorkshire and Lincolnshire must for centuries have remained an entirely Scandinavian country.

Nowhere, however, Professor Craigie kindly informs me,

[1] Borough Customs, I, 127 f: LEICESTER. *Swareles.* E pur ceo ke usé fu avaunt ces oures quant les parties deveient pleder e le pleintif aveit dit sa querele, si le defendant cum la parole ly fuist issue de la buche ne deist *thwertutnay*, il fut tenu cum non defendu e ceo apelerent *swareles*, ne le fut suffert de en parler ne de cunseil demaunder.

[2] *The Oxford New English Dictionary.*

[3] Borough Costumes, I, 152: *Forfal.* Aceo si le defandaunt eit plegges trové ou mainpernors de estre a la court a certein jor e il ne puisse estre, eyent les plegges ou mainpernors s'il voilent a jor un *forfal* pur lui en lu de assoyne, cum avaunt fut usé, e le eyent puis avaunt a un altre jor.

did the Norse language possess such tenacity of life as in King's Lynn or Bishop's Lynn, as the town was called in the Middle Ages. This may seem strange, because Lynn did not exist before the Norman conquest. But Lynn in the twelfth century already had considerable intercourse with Norway,[1] many of the burgesses had got Norse names and were undoubtedly of Scandinavian origin.[2] One of the "fleets" along the river was dedicated to St. Olave, the Norwegian saint (*Sinoluys-flet*).[3] About 1300, and probably even earlier, there was in Lynn a considerable Norwegian colony.[4] The oldest Latin-English Dictionary, the so-called "Promptorium Parvulorum," written about 1400 in Lynn, contains a remarkable number of Scandinavian loan-words, most of them, it seems, of Norwegian origin. The greater part of these words belong to the colloquial language, and some of them can only be explained from the Middle Norwegian that was spoken during the later centuries of the Middle Ages. We may infer from this that the Norse tongue was spoken and well known in Lynn long after it had become extinct in other parts of the ancient Danelaw.

Even outside the Danelaw the Norsemen had settlements where they long preserved their language and nationality. It is possible that in the time of Æthelred there already was a Scandinavian colony in London. At any rate it was through the conquest of Sweyn and Canute that the great metropolis began to get its importance. A whole suburb,

[1] *Diplomatarium Norvegicum*, vol. ix., n. 59, etc.

[2] In the Pipe Rolls of the reign of Henry II we, among the citizens of Lynn, find the following names: Siwardus de Len (26 and 27 H. II, p. 18), Sunnulfus de Lenna (22 H. II, p. 6, 21 H. II, p. 119), Ansgerus (O.N. *Ásgeirr*, 19 H. II, p. 122), Wrangetoche (19 H. II, p. 122, 18 H. II, p. 27, etc., *i.e.* O.N. *Vrangi Toki*; *vrangr* means "wrong," *Toki* was a common Danish name), Outi (15 H. II, p. 97, O.N. *Auti*), Hawardus (O.N. *Hávarðr*, *ibid.*), Ranñ fil. Auti (*ibid.*), Staingrim Bonpain (*ibid.*), Godman fil. Munni, Turchetil fil. Oggi (*ibid.*), Bonda and Bondi Hund (12 H. II, p. 21); O.N. *bondi* means "a peasant."

[3] The Red Register of Lynn, I, 13.

[4] The Red Register of Lynn (I, p. 13) mentions *Ywardus de Norwegia* as houseowner in Lynn. A family Thorndene was descended from Trondhjem in Norway.

Southwark, got its name "the southern fortress," because in the year 1015, it, was fortified by King Sweyn.[1] Southwark, however, was not a fortress only, but also, according to the Icelandic saga, "a big market town," that long formed a separate borough. Its inhabitants must in the beginning have been Scandinavian merchants and sailors who gave the place its name *Suðrvirki*, as it is called in the saga. Southwark and *Suthwerk*, the medieval form of the name, both go back to this Scandinavian form, and not to the Anglo-Saxon *Suð-geweorc*. This Scandinavian, no doubt partly Norwegian, population, it must also have been that in Tooley Street dedicated a church to St. Olave, King of Norway, and the first Scandinavian saint (†1030). *Tooley* is the common English corruption of *St. Olave*, as *Tullock* is the Irish one.

In the City of London no less than six churches were dedicated to St. Olave:—St. Olave, Without Bishopsgate,[2] St. Olave, Bradestrat,[3] St. Olave, Bread Street Hill, St. Olave, Hart Street (or "by the Tower"), St. Olave in the Old Jewry, and St. Olave in Silver Street, while St. Nicholas-Olave, which formerly stood in Queen Hithe, appears to have been a case of double dedication. One of these churches is already mentioned in a charter of the end of the eleventh century,[4] probably St. Olave in the Jewry, which church, together with St. Nicholas-Olave, is also mentioned in a register belonging to St. Paul's of about 1100. The churches dedicated to St. Olave were no doubt built by the Norse inhabitants of London in the eleventh century.[5] The Danes just outside the gates of the City had their own

[1] Heimskringla, II, 16.

[2] Ancient Deeds, C. 410 (13 Edw. IV.), *cf.* for this and most of the further references Henry A. Harben, *A Dictionary of London*, p. 444.

[3] Ecclesia Sancti Olavi de Bradestrat, *c.* 1247 (MSS. Dean and Chapter of St. Paul's, D.D.A., fo. 78).

[4] Dugdale, Monasticon Anglicanum, V, 100: Petrus de Sancto Olapho.

[5] A legend, which seems to go back to the middle of the eleventh century, says that St. Olave, in his church in London, healed a man bearing the Norse name *Allvaldr* (Daae, Norges Helgener, 56; Olaf's Saga, ed. Keyser and Unger. 85).

parochial church, the still existing *St. Clement Danes*. Harold Harefoot, the son of Canute, was buried in the Churchyard of the Danes at St. Clement's.[1] The church was dedicated to St. Clement, the patron saint of all seafaring men, and especially worshipped by the Danes, no doubt because he had found his death in the Roman province of *Dacia*, which, in the Middle Ages, is always confounded with Denmark. The official name of the church was *ecclesia Sancti Clementis que dicitur Danorum*.[2] Surrounding the church was a small collection of houses which was known as a vicus, and as late as the thirteenth century was called *vicus Danorum*, the later Aldwych Street.

About 1100 there must still have been a not unimportant Scandinavian colony in London. Among the oldest known donors to St. Paul's from the beginning of the twelfth century we meet with a great number of Scandinavian names (partly Danish and partly Norwegian), women as *Thorgund*, *Gunilda*, and *Gunner*, and men as *Algarus*, *Aschillus*, *Guthmundus*, *Hakun*, *Wichingus*, *Toli*, and *Suarus* (the same name which was borne by *Sverrir*, the celebrated Norwegian king). Most of them seem to have been artisans.

London was about 1100 beginning to be a cosmopolitan city. The Norsemen were not as powerful as fifty years before. The Norwegians preferred to sail to Grimsby and Lynn. The Danish trade was dying out. This was no doubt the reason why the Danes in the first part of the twelfth century must have sold their guildhall to the merchants of Cologne, whose guildhall for that reason was

[1] William of Malmesbury, I, 320.

[2] There is also on the south side of Lower Thames Street, east of London Bridge, a church dedicated to St. Magnus the Martyr. This church is not, however, as usually supposed, dedicated to St. Magnus, Earl of Orkney, who was killed in 1115. The church is already mentioned in a confirmation of grant by William the Conqueror to Westminster Abbey, dated 1067, "lapidee ecclesie Sancti Magni prope pontem" (Cottonian Charters, VI, 3, B.M. Harben, *A Dictionary* of *London*, 375).

called *la saille des Deneis* ("the hall of the Danes").[1] The hall of the Danes (*Aula Dacorum*) is even mentioned as late as 1308, and is probably the "Gildaula Teutonicorum," near Dowgate, the later Steel Yard.[2]

Even after 1200, however, both Danes and Norwegians—no doubt since the time of Canute—possessed great privileges in London. A record at the beginning of the thirteenth century is headed *Botsate Danorum*: and says, "The Danes have *botsate*, that is to say sojourn all the year, but they have the right of the City of London to go all over England to fairs and markets." After this there follows another passage headed *Botsate Norwegiorum*: "The Norwegians have *botsate*, that is to say sojourn all the year; but that is to know they cannot go to any places to market."[3] —Other foreigners were only allowed to stay forty days in London.—The word *botsate* itself in an adoption of an Old Danish word now lost, but whose equivalent *buðseta* is found in Old Icelandic, meaning "right to set up booths, that is: to dwell in the country".[4] It is especially used of foreign merchants who erected booths, after having set up their ships. In the same way, the Danes and Norwegians in olden times, we may infer, used to erect booths along the Strand.—Because of the liberties which the Danes enjoyed in London, they had, we are told in 1275, in earlier times to guard and repair one of the entrances to London, the *Bishopsgate*; later on, however, this duty was undertaken by the Germans who, because of this, were free in the city of London.[5] The Danes, in the second part of the thirteenth century, had no doubt long since disappeared from London. It is therefore strange in an arrangement made by the alder-

[1] Munimenta Gildhallæ Londoniensis (Roll's Ser.), Liber Albus, I, 229; De la ferme les Coloniens, cestassavoir de la saille des Deneis, et pris par an 1 soulz.

[2] Cal. of Letter Books of the City of London, ed. R. R. Sharpe, C, pp. 162–163; *cf.* Harben, *A Dictionary of London*, 193.

[3] Munimenta Guildhallæ Londoniensis, Liber Custumarum I, 63 f.

[4] Björkman, 205.

Hans Ukb. I, n. 474.

men with regard to the custody of Bishopsgate in 1278, to hear that the *homines Danorum* should be in the middle and men from two of the wards on both sides.

Up to the present day there is still another reminiscence of the Norsemen in London. "Husting" was the name of a court, formerly the County Court of the City of London, and was held before the Lord Mayor, the Sheriffs and Aldermen, for pleas of land, common pleas, and appeals from the Sheriffs. It had probate jurisdiction and wills were registered. All this jurisdiction has long been obsolete. But the court still sits occasionally for registering gifts made to the City. Medieval antiquaries date the origin of the Husting back to the very oldest times and tell us that it was founded after the example of the city of Troy. The first time we hear of it is in a charter of Canute (1032), which mentions the importance of the Husting.[1] The name is the Old Norse *húsþing*, which means a council to which a king, earl, or chieftain summons his guardsmen, or sometimes even his army. It is, however, probable that the primary sense of Old Norse *húsþing* has been a thing or assembly which was held in a house, as distinct from other things which were held in the open air. Possibly, therefore, the Husting of the City of London got its name because the London merchants, most of whom in the eleventh century were of Scandinavian origin, used to hold their court in a house, that is to say, in the Guildhall, while the *folkesmot* was held in the open air.[2]

In London the Norsemen only formed a small part; but in Western England they formed the bulk of the population. With the exception of Amounderness, which belonged to the kingdom of Northumbria, the settlements on the Western coast of England were not reckoned to the Danelaw.

[1] Liebermann, II, 657.

[2] According to Cowell (in the beginning of the seventeenth century), similar Hustings were also held in Winchester, Lincoln, York, Sheppey, and elsewhere. But the passage from "Fleta," as the *New English Dictionary* (V, 476 f.) states, does not necessarily imply this.

The reason was not, however, as some scholars seem to think, that the Norse element was not as powerful as in the Danelaw proper,—on the contrary. But the settlements in Western England date from the tenth and not from the ninth century, that is to say, from a time when the Danelaw was already roughly formed. It is also possible that the Norwegians, who in Ireland had continually fought the Danes, did not like to be under Danish sway. Besides, the state of Western England was from the tenth to the twelfth century very unsettled. Cheshire formed, as you know, a sort of march against the Welsh, and had its separate administration. Lancashire was not formed into a separate county before the time of Richard I. From earlier times we know very little about the administration of the northern part of it, Lonsdale Hundred. Furness, at any rate, probably with Cumberland and Westmorland as well, originally formed a part of the British kingdom of Strathclyde. There were, however, in Anglo-Saxon times already English-speaking colonies and garrisons, *e.g.* in Bewcastle. Cumberland was in 945 ceded by King Edmund to King Malcolm of Scotland, and formed a part of the kingdom of Scotland, until William Rufus, in 1092, captured Carlisle. At the same time the Earl of Northumberland also had power over parts of the county. Practically, however, Cumberland was more or less independent. The inhabitants were originally British. But in the beginning of the tenth century the Lake District got new, mostly Norwegian, settlers, who came from Ireland and the Hebrides, with the result that a great number of villages and hamlets, farms, fields, hills, streams and waters have got Norse names.[1]

The population must have been strangely mixed, half Norse and half Celtic (partly British and partly Goidelic). Besides, the English influence of course was very strong. The inhabitants probably until the end of the twelfth century spoke and understood both English, Old Norse and Celtic. Cymric was, no doubt, mostly spoken by the lower classes,

[1] *Cf.* Lindkvist, p. xlix.

among whom we especially find Old British names.[1] Some Cymric names, *e.g. Gospatric*,[2] were, however, used by all classes of society. In the Pipe Roll for 1158, in the account for Cumberland, we meet with *Gospatric Maþbennoc*, which is decidedly British,—*maþ* meaning "son"; *Bennoc* is also a British name. Also in Lancashire we meet with British names as late as 1283, with *Madoc*, son of *Eynon*.[3]

The Irish influence was especially strong among the higher classes, which must have been more or less hibernicised. Irish names, *e.g.* Fergus, were in use in Cumberland.[4] In the celebrated Gospatric Charter of about 1070 a Cumbrian tenant is called *Torfynn mac Thore* (both *Torfynn* and *Thore* are common Norwegian names, but *mac* is Gaelic). The Norsemen also had adopted from the Irish a peculiar kind of compound name in which the first element is governed by the second, for instance *Briggetorfin*, "the bridge of Torfinn," and *Bek Troyte*, "Troytes beck." We even find inverted personal names, *Finthor* instead of Thorfin.[5]

In Lancashire and Westmorland we find the same mixture of languages. In Lancashire we also meet with the name of Finthor.[6] In compound names like Strickland Ketel in Lancashire and Stoweley Godmond and Kirkeby Thore[7] in Westmorland. Ketel and Godmond are Norse names (O.N. *Ketill* and *Goðmundr*), but the names have been inverted according to Irish fashion. There are even

[1] Pipe Roll, 31 Henr. II (1184–85): Gospatricius et Britius utlagati.

[2] The Norsemen, on the other hand, had probably brought the worship of St. Patrick with them from Ireland. St. Patrick must have been much worshipped in Cumberland and Lancashire. We have *e.g.* St. Patrick's Lands in Lancaster and St. Patrick's Well in Lancaster and Styne ("A History of Lancashire" [*Victoria County Hist.*], VIII, pp. 31, 45 n., 157).

[3] Lancashire Inquests, Extents and Feudal Aids (The Record Soc., 1903), p. 259.

[4] Pipe Roll, 26 Henr. II: Gilbert, son of Fergus.

[5] The Great Roll of the Pipe for the Second Year of King Henry the Second (London, 1844), pp. 119 f.

[6] Lancashire Fines, pt. I (Lancashire Record Society, 1919), pt. I, 12: Between Sigrid, widow of Gilbert, son of Ketel, plaintiff, and John, son of Finthor (1202). Sigrid and Ketel are Norse names.

[7] Burn: *The Hist. of Westmorland and Cumberland*, p. 25 f.

in Lancashire traces of Cymric place-names.[1] The important question of how long Celtic language survived in North-Western England ought to be taken up by some competent scholar.

The Norsemen, until the conquest of William Rufus, formed the ruling class of Cumberland. They mostly, it seems, lived in garrisons and strongholds, and possibly, as in other Scandinavian parts of England, were united into knight-guilds.—There are, at any rate, in the place-names of Lancashire, several traces of guilds.[2] The land was cultivated by serfs and freedmen who, as in Norway, were called *prælar* (" thralls ") and *leysingjar*. The word *præll* is still preserved in *Trelefelt* (now Threlfall) in Goosnargh. *Leysing* was a common name in Cumberland and Lancashire. In the twelfth and thirteenth centuries, however, we also find Norse names among the villains. In Cumberland *leysing* was as late as in 1259 used in the original meaning of " a freedman."[3] The Norsemen in the Lake District had since the middle of the tenth century been cut off from their Norwegian compatriots. Nevertheless, in the latter part of the twelfth century, and probably even later, a sort of Norwegian vernacular must still have survived.

A charter signed by Henry II f.i. specifies some pieces of land in Treby, Cumberland (itself a Norse name) as " *Langethweit, et Stalethweit et alios Thweiter, qui pertinent ad Langethweit* ".[4] Here we have the Old Norse accusative

[1] Lancashire Fines, pt. I, p. 15 (1202) mentions *Blacstaneclohhum* and *Lannclochum* (in Rainford, parish Prescolt). *Llan*, Cymr. means " open space, area " ; *cloch* is a compound of many Irish place-names, where it means " a stone " ; in Cymric place-names it also probably means " a flat stone ".

[2] Near Preston we have Gildhouse (" A History of Lancashire " [*Victoria County Hist.*], VII, 97 n., 107), and Gildouscroft (Kirkland, Garstang), *ibidem* VII, 313 n., 8.

[3] The Pipe Rolls of Cumberland and Westmorland, ed. by F. H. M. Parker. P. 193 (43 Henry III) : " . . . Et. viii li. receptas de villa de Greystoke pro evasione Willelmi Leysing." The context makes it most likely that Leysing here really is used in its original meaning, and not as a nickname.

[4] Dugdale's Monasticon Anglicanum (London, 1830), VI, pt. I, 144.

plural *þveitar* used not as a place-name, but as a noun. *Langethweit* means "the longthwaite," *Stalethweit* means "the thwaite where the hay is laid in 'staals' or stack";—*staal* is still in use in Norwegian dialects.—In a charter relating to the foundation of the priory of Whetherhal in the diocese of Carlisle, from the beginning of the twelfth century, we find among the witnesses, *Forna Ligulfi filio* [1] (both names are Norse). *Forna* is casus obliquus of nom. *Forni*; this shows that the nouns were still inflected. From the thirteenth we have—as above mentioned—*Leysing* in the meaning of a freedman, and the man's name Orm (O.N. *Ormr*), written *Ormer*.[2] We also find nicknames as *Bagall*.[3] In Lancashire there were several Viking settlements where the Norse language perhaps survived even longer. *Lonsdale Hundred*, and especially *Furness*, is remarkable for its many Norse cultivation and nature names, and seems to have had the same mixed population as Cumberland, although the English element probably was stronger.

The Norse element was also very strong in *Amounderness*, the land between the Ribble and Morecambe Bay. Amounderness (A.D. 930 written *Agemundernes*) is itself a Norse name, meaning "the ness or promontory of Agmund (*Högmundr*)," a common Norwegian name. This Agmund was probably a prominent Viking chieftain in the beginning of the tenth century; possibly *Agmund Hold* who was killed in 911.[4] It is remarkable that the western part of the ancient kingdom of Northumberland ends in Amounderness, and the eastern part in *Holderness*, *i.e.* "the ness of the hold" (*hold* was, as you will remember, a Norwegian title). In the Chronicle of the Archbishops of York, a twelfth-century work, we are told that King Æthelstan (in 930) granted to the cathedral of York the whole of Amounderness, which he had bought from the

[1] The Register of the Priory of Whetherhal, ed. J. E. Prescott, 4 f.

[2] The Pipe Rolls of Cumberland, p. 149: William, son of Ormer.

[3] *Ibidem*, p. 91 (1241), Robertus Bagall. O.N. *bagall* means "an episcopal staff, crozier".

[4] Steenstrup, Normannerne, III, 35.

heathens (*totam Agmundernes, quam a paganis emerat*). The possession does not, however, seem to have been retained.

In the southern part of Lancashire we likewise find a great many Norse place-names, especially in West Derby and Ormskirk. The most interesting name is Thingwall (from O.N. *þingvöllr*, "parliament field", the place where the thing or assembly of the district met). We also find in Lancashire "lawmen"[1] or the *demand* as they are called in some places (probably the same as O.N. *dómandi, dómendr*).

From the time of Henry II we find in the Pipe Rolls for Lancashire, and especially in "The Chartulary of Cockersand Abbey," a remarkable number, not only of Norse names, but also of nicknames, which would hardly have been used, except by people who knew something of the Old Norse, *e.g. William Staflaus* (*i.e.* "William without staff").[2] In charters from the first part of the thirteenth century we find a merchant named Alan (*Alanus mercator*), who in several documents is called *Alanus Caupman* or *le Caupman*. The by-name is Old Norse *kaupmaðr*, "a merchant".[3] A small landholder in Bolton-le-Sands, who died in 1261, was called *Thomas Roud* (*i.e.* Old Norse *rauðr*, "red").[4] Another Norse word which we about 1250 find used as nickname is *Bulax, Bolax* (O.N. *bolöx*, "a pole-axe, a carpenter's axe").[5] Distinctly Norse is also the nickname *Barnefader* (O.N. *barnafaðir*, "a father of children").[6]

[1] As late as in 1324 we find in Lancashire Henry Laghmon and Adam Laghmon, the latter probably a descendant of Adam Lagheman, *c.* 1250 (Lancashire Court Rolls, I, 45, 68).

[2] *Danelaw Charters*, n. 535: *Guillielmum Staflous*, n. 540, *Heming et Robertus filii Willielmi Stawelaus*.

[3] The Coucher Book of Furness Abbey, pp. 392–395.

[4] Chartulary of Cockersand, p. 917, n. 1.

[5] A Calendar of Lancashire Assize Rolls, translated and calendared by Colonel John Parker (The Record Society, 1904), p. 90 (a° 30 Henr. III), William Bulax; p. 121 (a° 46 Henr. III), Thomas Bolax.

[6] *Ibidem*, p. 99 (a° 30 Henr. III), William Barnefader.

Even as late as in the fifteenth and sixteenth centuries among the tenants of Cockersand Abbey, we meet with several Norse names and surnames or nicknames.[1]

The Norse element was even strong enough to influence English place-names. *Kirkham*, in Amounderness, is in 1093 written *Cercheham*, but in 1196 it is written *Kirkeheim*, and in 1276 *Kyrkheym*[2]; Cockerham in Londsdale Hundred is in Domesday Book written *Cockeham*, but in 1207 it is written *Kokerheim* and *Cokerheim*[3]; *Heysham* is in Domesday written *Hessam*, but in 1094 *Heseym*[4]; Tatham is in 1202 written Tateham, but 1213–15 *Tathaim*, and about the same time *Tathaym*, but in 1241 again *Tatham*.[5] *Bispham* is in Domesday written *Biscopham*, but about 1200 it is written *Biscopehaim*, and about 1270 *Bisbhaym*, as if they were not compounds of O.E. *ham*, but of the corresponding O.N. *heimr*, "home, house, abode, estate." It is also interesting to notice that, in the place-names of Lancashire and Yorkshire, we find Norse elements which in Norway were hardly in use before 1100. The corresponding English names also date from the twelfth and thirteenth centuries. Old Norse *ruð* means "a clearing in a wood," and is, both alone and in compounds, one of the most common Norwegian place-names. In thirteenth-century Lancashire charters we likewise find this word both in compounds, *e.g.* Ormerod (*i.e.* O.N. *Ormsruð*), "the clearing of Orm," and alone. Thus about 1200 Henry de Malling gave to the canons of Cockersand land, between the underwood and the moor

[1] Among the tenants of Cockersand Abbey one is in 1461 called *Thurstanus Wodwark* and another in 1537 *Thurstaynus Lee*. In 1461 we meet with *Johannes Redar* (O.N. *Reiðarr*, a common man's name), and with John and Richard Bonde. In the sixteenth century *Bonde* was still much used, as it seems, not as a family-name, but in the original meaning of "peasant". I may also mention *Mychell Manskeman*, 1461 (*Manskeman* means "a Manxman"; the first element of the word is, however, O.N. *manski*, "Manx"; in sixteenth-century English, *Maniske*). *Cf.* The Chartulary of Cockersand Abbey, pp. 1236–1237, 1276–1277.

[2] *Final Concords of the County of Lancaster*, pt. I, 2, 104, 106; *cf.* Wyld, 108.

[3] *Final Concords of the County of Lancaster*, pt. I, 24, 26; *cf.* Wyld, 97.

[4] Wyld, 154. [5] Wyld, 246.

usque ad Ruedis, et sic inter Ruedis et Ruding.[1] This no doubt means: "unto the ruds (or clearings) and thus between the clearings and the Ridding". *Ruedis* no doubt represent the plural form of O.N. *ruð*. From this word *ruð* the English, "to rid," is derived, from which latter word again the word *ridding* is a derivation. In Yorkshire clearings where the ground was ridded of the trees and shrub were called "riddings." In Lancashire we find in the same meaning the forms *ruyding*[2] and *ruding*, which are probably influenced by the equivalent Old Norse *ruðning*. In Yorkshire we also find in the same meaning as "*ridding*" the words "*royd*" and "*roðe-land*." The suffix *-royd* is very common in Yorkshire, cp. *Boothroyd, Dobroyd*, etc.[3] Stoney-royd is about 1260 called *Stone-rode*, which no doubt corresponds to O.N. *ruði*, dative of *ruð*. In a dispute in the year 1307 concerning some land at Alverthorpe, it is reported that the defendants said that it was "called *rode land* because it was cleared [*assartata fuit*] from growing wood".[4] *Rode-land* corresponds to Old Norwegian *ruðland*, which means exactly the same.

The Lake District was a cattle-breeding country. That is the reason why the tax which the inhabitants had to pay in the twelfth century is called *nautegeld* (*i.e.* O.N. *nautagjald*, from *naut*, "cattle," and *gjald*, "geld, tax").—O.N. *gjald* was at the time when the Norsemen came to England, pronounced *geld*.[5]

We also find in the husbandry of the Lake District many Norwegian traces, *e.g.* the isolated farms, which in earlier times were more common than now, and the custom of sending the cattle up in the mountains in summer time.

[1] Cockersand, p. 539 f.

[2] The Coucher Book of Whalley Abbey (Chetham Soc.), IV, 1631, 95 f., etc.

[3] "Owenden Wood," by T. W. Hanson (Halifax Antiquarian Society, 1910). Professor W. A. Craigie has kindly drawn my attention to this word.

[4] Wyld: *The Place-names of Lancashire*, 377.

[5] This information is among many others due to Professor W. A. Craigie.

The word *shieling* itself is probably of Norse origin, formed from O.N. *skáli*, "a hut built for temporary use".

Still more interesting is it, perhaps, that in the Lake District we find *written evidences* of how long the Norse language was spoken. On a sculptured stone built into an outhouse at Loppergarth—itself a Norse name—in Furness, there has been found an old Norse, certainly a Norwegian, Runic inscription, which says: "*Gamal founded this church. Hubert the mason—wrought the marks* (that is, the runes)".[1] The stone evidently is a tympanum from some Norman church door. It is known that a church existed here in the twelfth century; according to tradition it was built by Gamel de Pennington about the middle of the century, to which date also the ornamentation on the base of the tympanum points. This Gamel, the lord of the manor, was a Norseman who still spoke the language of his ancestors. *Gamall* was during the Middle Ages a well known name in Norway.

On the walls of the cathedral of Carlisle there has been found an inscription of the twelfth century in Norse runes. The spelling is curious, the runes unusual; and the language a mixture of Old Norse and Old English. But there can be no doubt as to the genuineness of the inscription.[2] Besides there have also been found several runic inscriptions in the English language in Cumberland. One in Anglo-Saxon runes is on the celebrated cross of Bewcastle.[3] The other (on a font at Bridekirk) dates from the twelfth century, the language is Old English, but some of the runes belong to a shortened Viking type, which was also in use on the Isle of Man.[4]

[1] *Saga Book of the Viking Club*, III, 139.

[2] The inscription has been read: TOLFIHN YRAITA ÞÆSI RYNR A ÞISI STAIN ("Dolfin wrote these runes on this stone"). A History of Cumberland (*Victoria County History*), I, 279 f. Forms like *yraita* show English influence.

[3] Bewcastle had both in Roman and in Anglo-Saxon times a garrison.

[4] A Hist. of Cumberland, I, 280; the word *þis* is written þl'. The *h* in *iwrohte* and *brohte* shows Norse influence.

The earliest settlements on the west coast of England seem to have been in Cheshire, where Vikings from Dublin came a little after 900, and where Lady Æthelfled of Mercia gave them land. Even the city of Chester itself, at the time of William the Conqueror, retained much of its Norse character, and had in the eleventh century already a church dedicated to St. Olav of Norway. But especially that curious peninsula between the estuaries of Dee and Mersay, called the Wirral, teems with Norse names. We see from the Domesday Book that *wich* (Old Norse *vík*) was used in the same meaning which the word still has in Norway, namely "creek, inlet". This shows that the Norse language at the end of the eleventh century was not yet quite extinct in Cheshire. If you sail from Chester around the coast of Wales, you will, besides Anglesey, which is a half English and half Scandinavian name,[1] come across a whole line of Norse names, of islands and promontories, reminiscences of a time when the Norsemen carried on traffic between England and Ireland.

The only Scandinavian settlements of any importance in Wales were, however, in Pembrokeshire, and in the peninsula of Gower. In Gower, Swansea—the Celtic Abertawe—(1188 written *Sweyns ei*, means "the islands of Svein"), Uxwich (O.N. *Uxavík*, "the creek of the oxen"). In Pembrokeshire is Milford (from O.N. *fiörðr*, "a fjord, inlet"), besides several other names of villages, islands, etc., Freysthorp, Fishguard, Gateholm, Grassholm, Caldey, Gelliswick, etc. In the Middle Ages these names were still more numerous.

Pembroke and Glamorganshire medieval documents are full of Scandinavian personal names, most of them, it seems, of Danish origin.[2] The first time we meet with Danes in Glamorganshire is in 982, when two serfs were given to the church of Llandaff. Their names were *Gustin* and *Ebba*,

[1] The Anglo-Saxon name of the island is *Angles êg*.
[2] Pipe Roll, 31 Henr. II, p. 6: *terra de Guthlev*.

both Danish names.[1] In the twelfth century we meet with Scandinavian names partly among the aristocracy [2] and partly in the towns, and among the merchants.[3] Even in the thirteenth century Scandinavian names were in use in Cardiff.[4]

When Dublin, after the Norman conquest, got new citizens, the greater part of them came from the towns on the Bristol Channel. Most of them, however, had not got English, but Norse names: Thorkail, Swein, Ivor, Salmund and Steiner, of Cardiff; Fin, Thurgot and Johannes Anfin, of Haverford, and so on. The *Historia Britonum*, by Geoffry of Monmouth, written about 1140, is full of Viking sagas, which the author must have heard from the Norsemen in Wales and in Dublin. In the year 1098 Magnus, King of Norway, appeared with a hostile fleet off the Island of Anglesey. He came to the help of theWelsh against the Earls Hugh of Chester and Hugh of Shrewsbury, who were beginning the conquest of Anglesey. In the brief fighting which occurred, the Earl of Shrewsbury was slain. This incident is recorded by Giraldus Cambrensis, himself a Welshman, who tells us that when King Magnus saw the earl falling dead into the water, he cried "in Danish tongue": *leit loupe*, which he renders by *sine salire* (that is: "let him leap"). The words in Giraldus's version are a little Anglicized; the correct Norse form would have been *lát hlaupa*. But that does not matter. Gerald must have heard the story of the encounter between King Magnus and the Earl of Shrewsbury in Wales—the Icelandic Sagas do not mention the incident.—We may conclude from this that the Norse language in the twelfth century was still living in Wales, and used for shorter stories.

[1] Cartæ et munimenta de Glamorgan, III, n. DXXX (p. 20). *Gustin* is Old Danish *Justen*, which on Old English coins is also written *Gustin* (Björkman, Nordische Personennanun in England [Studien zur eryl. Philologie, H. xxxviii], p. 74). Ebbe was a very common Danish name.

[2] *Terra de Guthlev* (one of the fiefs); O.N. *Guðleifr*.

[3] *E.g.* Einulphus mercator, *c.* 1170 (Cartæ III, pp. 103, 128, 130).

[4] *Ibidem*, III, p. 211, witnesses in Cardiff early thirteenth century are: Herberto filio Turkilli, and Steinero.

Pembrokeshire would never have become Little England beyond Wales, if it had not before the arrival of the Flemings possessed a strong Scandinavian colony.

In Ireland the kingdoms and settlements of Dublin, Wexford, Waterford, Cork and Limerick had a still longer life, and existed, more or less independent, when Earl Strongbow came to Ireland. Strongbow, you know, in 1170, took Dublin. Hoskuld (*Hasculphus*), the last Norwegian king, fled to the Orkneys, but came back next year and fell in the last attempt of the Norsemen to recover their lost possessions.

A Runic inscription found a few years ago in the wall enclosing the cathedral of Killaloe, shows that the northern tongue, even in that outlying settlement, was still spoken in the latter half of the eleventh century.[1] When the English came to Ireland in 1170, the Norsemen, we can see, still spoke the language of their forefathers. Giraldus Cambrensis, who came to Ireland with Earl Strongbow, and knew the island better than any of his contemporaries, tells us that the Norsemen "are called Ostmen in their own language, which is a kind of corrupted Saxon" (*lingua ipsorum corrupto quodam Saxonico*).

Gerald, in other words, could see that the language of the Norsemen in Ireland was related to the Saxon or English tongue. In the twelfth century the two languages, in fact, were much more alike than at the present day. There are even evidences that the language of the Ostmen in Ireland was not quite extinct in the thirteenth century. Still longer—till about 1300—the Ostmen preserved their distinct nationality and had their own rights. Gerald calls the Norsemen *Oustmanni*, that is to say, "men from the east." The Norsemen called themselves so because they had come from Norway.—The Icelanders likewise called the Norwegians *Austmenn*.—The English later on use the corrupted forms

[1] *Proceedings of the Royal Irish Academy*, vol. xxiii, Section C, No. 13 (1917). The runes which tell that "Torgrim cut this cross" are probably not Norwegian, but Danish.

Ostmanni, *Estmanni*. *Oustmanni*—with diphthong—however, is the right form, which is used not only by Giraldus Cambrensis, but also in documents from the latter half of the thirteenth century that deal with the Norsemen in Ireland. This seems to prove that their native language, even at that time, was not quite extinct. In the same direction point personal names, nicknames like *litalprud* ("condescending"), *leysing* ("a freedman"), *utlah*, and *wiking*, and place-names. Thus the harbour of Dublin was called *Stein* (the stone), from a stone monument that was erected there. A French poem on the English conquest of Ireland speaks of *le Stein*; and the same form is still used in the latter part of the thirteenth century, but after 1300 it becomes Anglicized into *Stanes*.

The place where the *þing* or law-courts and parliament of Dublin assembled is, in the thirteenth century, usually called *Teggemuta* (that is Old Norse *þingmót*, "meeting-place of the thing"); once, however, in a Latin document of the middle of the century it is called *in Tengum* (that is Old Norse *þingum*, dative plural of *þing*). Such forms would never have been used if the Norse language had been quite extinct.[1]

Still longer the Ostmen preserved their distinct nationality. As King Hakon of Norway, in 1263, with his fleet, lay off the Isle of Gigha, on the western coast of Cantire, there came, the saga tells, messengers to him from Ireland that the people there wished to subject themselves to him rather than to remain under the English. They told the king that "they held all the best places along the sea". This proves that they were not Irish, but descendants of the Ostmen. There was, in fact, in the Irish towns and seaports no Gaelic population, but only Norsemen, besides the recently imported Anglo-Norman inhabitants. The messengers from Ireland must have come to King Hakon because they knew that they were of the same

[1] *Cf.* A. Bugge, Dit sidste Afsnit af Nordboernes Historie: Ireland (Aarböger for nordisk Oldkyndighed, 1904).

nationality. Other documents show that the county of Wexford, in the second part of the thirteenth century, still preserved their peculiar rights and customs. In Waterford, as late as in 1311, the Ostmen were proud of their descent, and successfully claimed the same rights as the English. A lawsuit at the end of the thirteenth century mentions "the freedom of the Ostmen" (*libertas Houst-mannorum*) in Limerick.

The Irish antiquary, Duald Mac Firbis, who, in 1650, compiled his great "Book of Pedigrees" (*Leabhar Genealach*), tells us that the greater part of the merchants of Dublin are descended from Olaf Cuaran, the celebrated viking who fought the battle of Brunanburh, and first was king of York and later king of Dublin, and he adds: "Thus the race of this Amlaib Cuaran, in the town of Ath Cliath (*i.e.* Dublin) is opposing the Gaoidels of Erin". These words show that the descendants of the Ostmen in Dublin nearly five hundred years after the English conquest had not yet forgotten their Norse origin.

The Hebrides and the Isle of Man, we know, formed a kingdom under Norwegian suzerainty from the time of King Magnus Barelegg until the peace of Perth (1266), when the Isles were ceded to Scotland. Crosses with Runic inscriptions and scenes from the Norse mythology and from Norse heroic tales show that the Norwegian language and nationality still were living down to the twelfth century. Probably the Norse tongue did not become extinct until after 1266.

In Lewis and Harris the Norse names are especially numerous. The invasion of the Vikings seems to have cleared out the previous possessors; the names of the chief features of the country, mountains, rivers, lakes, inlets and promontories were all changed.

Donald Monro, in his Description of the Western Isles (1549), says of Duray or Jura: "*This iyle, as the ancient iylanders alledges, should be called Deiray, taking the name from Deire in norne Leid, quhilk has given it that name in*

auld times." [1] "In Norne Leid" means "In Norse speech". The name of the island itself is undoubtedly Norse (Dyrey). We cannot, however, from David Monro's words, conclude more than that there was a tradition that the name of the island was of Norse origin.

How long the Norse language was spoken in Sutherland and Caithness, I do not know. The insurrection under Earl Harold of Orkney and Thorfinn, his son, at the end of the twelfth century, however, shows that the inhabitants at that time still preserved their nationality, and no doubt also their language. The Norse occupation of Sutherland and Caithness was not, however, nearly as complete as it was, *e.g.* in Lewis. The Norse element was strongest on the north coast, much weaker in the interior. "The evidence of the place-names," Professor William Watson says, "goes to show that the Norsemen held the whole of Sutherland as its overlords, but did not occupy it to the extent of displacing the native population or their native language." [2] In Caithness the Norwegian element seems to have been somewhat stronger than in Sutherland.

The Orkneys and Shetland were pledged to Scotland in 1468, and have since that time never been redeemed. But between Shetland and Bergen, in Norway, there continued to be a close intercourse, and decisions of the Shetland law-court were subject to appeal at Bergen. A Norwegian dialect ("Norn," that is, *norroen*) continued to be spoken in Shetland as well as in some parts of Orkneys until the eighteenth century, in remote parts of the islands, perhaps even longer.

The evidence for the later period, indeed, is scanty, and much of it accidental. But what I have adduced will be sufficient to show that the effects of the Viking Age did not cease with the fall of the Danish power in England,—that

[1] P. Hume Brown: *Scotland Before* 1700, p. 241.
[2] W. Watson: "The Place-names of Sutherland" (*The Celtic Review*, II).

in various parts of the British Islands they continued to be felt long afterwards,—steadily diminishing, no doubt, but often clearly distinguishable, and contributing not a little to the final moulding of that character and those institutions which combine to make the British Empire of the present day.

This paper was originally the first of a series of four lectures delivered in All Souls' College, Oxford, in February, 1920, but has since then been completely re-written before it was read to the Royal Historical Society (Dec. 9, 1920). I have during my work constantly got help and valuable information from Professor W. A. Craigie. For kind help and information I have also to thank Dr. Bradley and Mr. Onions, editors of the *Oxford New English Dictionary*, and Professor Dr. Eilert Ekwall, of the University of Lund, who has kindly read my manuscript, and whom I have to thank for many valuable hints and corrections. My sincere thanks also to Professor Dr. Magnus Olsen, of the University of Christiania, who has likewise kindly read my manuscript, and last but not least to Dr. Hubert Hall, who kindly read the proof sheets before my paper was published.

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REPORT OF THE COUNCIL, SESSION 1919–1920

THE Council of the Royal Historical Society have the honour of presenting the following Annual Report to the General Meeting of the Fellows.

The Society can record a successful year.

We must congratulate our President, Sir Charles Oman, and our ex-President, Sir George Prothero, upon the well-deserved honour of Knighthood conferred during the year. With peculiar pleasure we must congratulate Mr. Hubert Hall, our Director, upon the recognition of his long services to historical scholars at the Record Office by the Honorary Degree of Litt.D. conferred upon him by the University of Cambridge.

We have lost twelve Fellows by death. Among them were the Rev. J. Franck Bright, D.D., late Master of University College, Oxford, and the Rt. Rev. Dr. Bernard Ward, Bishop of Brentwood. During the Session eight members resigned, the names of eight were removed from the Roll for non-payment of subscriptions. Forty new Fellows were elected, one Subscribing Library was admitted, and two Subscribing Libraries which had lapsed during the war have been readmitted. The Elections therefore are satisfactory, both in point of numbers and in the fact that they include distinguished Fellows and Tutors of Colleges, and Professors of Universities at home and abroad. To maintain this level of Fellowship the Council are proposing a slight change of procedure in Elections, which will have been submitted to a special meeting before this report is presented. It does not curtail the liberty of proposal by Fellows, but is intended to make it more easy to exclude candidates whose qualifications do not reach our standard. The following Corresponding Members have been elected: Dr. Graham Botha of South Africa, Professor Alexander Bugge, Ph.D., of Christiania, Dr. Joseph Cuvelier, Keeper of the Archives in Brussels, and Dr. A. G. Doughty of Ottawa, distinguished scholars who will strengthen the Society.

The Library continues to grow, Sir George Prothero is still our chief benefactor, and our thanks are specially due to him, as

in many previous years. The number of books received by exchange has been slightly increased. Much arrangement and cataloguing, however, is still needed in the Library, and we should be glad of more presentations from authors, for we do not buy books as a rule. There are several Fellows who have presented books and pamphlets, whom we thank collectively.

On July 2 a Conversazione for Fellows and their friends was held in the Society's house. There was an interesting Exhibition of Coins and Medals, MSS., War documents, German soldiers' letters and orders, and new sketches from authentic sources for portraits of several English sovereigns. There was a good attendance. We thank the Royal Numismatic Society and several Fellows for their contributions to the Exhibition.

The Records Committee appointed by the Council, under the chairmanship of the Rt. Hon. Sir Frederick Pollock, Bt., concluded its Report upon the custody of Records. The Council thereupon drafted a memorial to the Treasury calling attention to the importance of giving effect to various recommendations contained in the Reports of the Royal Commission on Public Records; this was duly presented to the First Lord of H.M. Treasury on June 30 last, and acknowledged. A number of distinguished historical scholars and antiquaries appended their signatures to this memorial. The Report proved an occasion for articles in *The Times* and other journals. Later in the year a meeting was held under the auspices of the British Academy, in communication with the British Editorial Board of the Carnegie Endowment, to consider the preservation of Records for the Social and Economic History of the War. The Society was represented at the conference. It is much to be wished that local records bearing upon the war should be preserved and described for future reference, and that no destruction should take place except under expert advice.

A summary of the Recommendations of the Royal Commission has been contributed by Mr. H. R. Tedder as an Introductory Note to the "Repertory of Archives" mentioned below.

A Committee was appointed to consider the possibility of printing the original instructions given to Ambassadors, with a view to making known the real intentions of our Foreign Policy, and incidentally vindicating its general straightforwardness and continuity. France has printed an admirable series, *Recueil des Instructions données aux Ambassadeurs—depuis les Traités de Westphalie jusqu'à la Révolution.* The suggestion is that we

should take these as a model, but begin in 1688 and continue later. The Committee is still considering, not the desirability of the work, but the means of paying for it. Failing government support, no nobler field could be offered to private generosity. The publication would be no less a service to the country than to history.

The four hundredth anniversary of the birth of the great printer, Christopher Plantin, was celebrated at Antwerp in the summer. Mr. G. W. T. Omond attended as representative of the Society, a task for which his knowledge of Belgian history and society made him eminently suitable. The Committee of Management in Antwerp were much gratified by our recognition of the event.

The following Papers were read in the course of the Session 1919–1920 :—

'The Voyage of Pedro de Teixeira on the Amazon, 1638–1639.' By the Rev. G. G. Edmundson, M.A., F.R.Hist.S. (November 13, 1919.)

'The East India Trade in the Seventeenth Century in its Political and Economic Aspects.' By S. Ahmed Khan, B.A., Litt.D. (December 11, 1919.)

'The English in Russia in the Sixteenth Century.' By Mildred Wretts-Smith. (January 8, 1920.)

'Unpublished Documents relating to Town Life in Coventry.' By Miss M. Dormer Harris. (April 8, 1920.)

'The Black Death in Wales, 1349–1402.' By W. Rees, M.A., D.Sc., F.R.Hist.S. (May 13, 1920.)

A further series of communications were read on March 11, 1920, from Corresponding Fellows and Archivists on the subject of the condition of British and Allied Archives in War-Time (1914–1918), as follows :—

'Introduction,' by the Director ; 'France,' by Ch. V. Langlois ; 'Belgium,' by Dr. J. Cuvelier ; 'Canada,' by H. P. Biggar, B.Litt. ; 'Australia,' by the Secretary to the Ministry of Defence for the Dominion ; 'South Africa,' by C. Graham Botha, C.M.G.

At the Annual Meeting on February 12, 1920, the President, Professor Sir C. W. C. Oman, delivered an address on the struggle between 'East and West'

The Alexander Medal was awarded to Mr. J. E. Neale, M.A., for an Essay on 'The Commons' Journals of the Tudor Period'.

Dr. Ahmed Khan's Paper has been separately published at the expense of the Council for India : the other Papers with

the President's Address and the Alexander Essay are printed in *Transactions*, Fourth Series (Vol. II.).

In addition to the above volume of *Transactions*, the following volumes of *Publications* have been or will be immediately issued: Camden, Third Series, Vol. XXXI., The "Nicholas Papers," Vol. IV., edited by Sir G. F. Warner, D.Litt., F.B.A., and "A Repertory of British Archives," Part I., 'England,' by Hubert Hall, Litt.D., F.S.A., assisted by Research Students of the University of London.

The last-mentioned work has been issued as a special publication, and extra copies will be available for distribution beyond the ranks of the Society. It is hoped that arrangements may be made for the issue of a further volume dealing with the 'Archives of Scotland, Ireland, Wales and the Dominions or Colonies of the British Empire.'

On October 26 last, at the suggestion of the Master of Peterhouse and Professor Firth, a lecture was delivered by Professor Joseph Redlich of the University of Vienna on 'The Austrian State Archives'. The disposal of the Archives at Vienna is an important matter for historians all over Europe, and Professor Redlich was able to speak upon them as no Englishman could. His paper will be printed in the *Transactions* for 1920–1921.

At the last Annual General Meeting, February 12, 1920, the following Vice-Presidents, Mr. J. F. Chance, M.A., and Professor Firth, LL.D., retired in rotation under By-law XVII., and were re-elected. Under the same By-law, Principal E. Barker, M.A., Sir Julian Corbett, LL.M., Mr. H. W. C. Davis, M.A., C.B.E., and Mr. H. W. V. Temperley, M.A., retired from the Council and were re-elected. Mr. W. F. Reddaway, M.A., Mr. D. A. Winstanley, M.A., and Miss Rose Graham, M.A., our first lady member, were added to the Council. The Annual Report for 1918–1919 was presented and adopted.

We have lost the American Historical Association, who were our tenants for one of the upper rooms in the house. They have moved to the house of the American Universities Bureau at 50 Russell Square. We have gained, however, the Japan Society as tenants of another room. The Royal Numismatic Society continue our tenants; we house the Historical Association, and the British Archæological Association hold their Council and other meetings in our rooms. The Anglo-Czech Society, the British Society of Franciscan Studies, and the Huguenot Society, have each held one meeting in our rooms during the Session.

The Councils of the Huguenot Society, and of the Surrey Archæological Society meet regularly in our Council Room. One meeting of the Canterbury and York Society has been held. Our house has proved itself a useful centre for various historical activities.

The Secretary reports that the total membership of the Society on October 31, 1920, including Honorary, Corresponding, Life and Ordinary Fellows, and Subscribing Libraries was 859. Of this number 12 were Honorary, 23 were Corresponding members, and 88 were Life Fellows. The annual subscriptions are received from Ordinary Fellows paying £1 1s. under the old regulations; former members of the old Camden Society and Subscribing Libraries paying £1, and Fellows paying the statutory subscription, £2 2s. There are 58 British and Foreign Societies which exchange *Transactions* with the Royal Historical Society.

The Treasurer reports that the Income of the past year exceeded the Expenditure by £51 18s. 2d. It is only by the strictest economy that this has been achieved, as rates and taxes, printing, wages, and stationery have again increased considerably. The front of the house has also been painted. The value of the investments, representing Life Subscriptions (see By-law IX.) and accumulated savings, has been written down by £300 13s. 9d., and is within about £40 of the actual value of the securities at the close of the financial year. It should be pointed out that, with the exception of the Consols and the Russian Bond, all the securities will be redeemable at par value if allowed to mature.

The Auditors report that they have examined the statement of Income and Expenditure, together with the Balance-sheet appended to this Report, and have certified the same to be correct from their inspection of the books and vouchers (including the certificates of investments).

Expenses are very heavy, and increasing. There are many directions in which the Society could spend money profitably for the cause of historical learning, but at present we must be satisfied if we keep up our usual issue of volumes to Fellows. The Society owes much to the Treasurer, who, in spite of serious disability from an affection of the sight, now happily abating, has enabled it so far to show a prosperous Balance-sheet.

ROYAL HISTORICAL SOCIETY

I.—Income and Expenditure Account relating to the Year ending October 31, 1920

Income.				£	s.	d.
Subscriptions of 1915–19 : 11 at 20s.	£11	0	0			
,, ,, 20 ,, 42s.	42	0	0			
			£53	0	0	
Less amount estimated to be received in last year's accounts for subscriptions in arrear			20	0	0	
Subscriptions in arrear, received in excess of estimate						33 0 0
Subscriptions now in arrear estimated to be received						20 0 0
Subscriptions of 1920 : 204 at 20s.			204	0	0	
,, ,, 24 at 21s.			25	4	0	
,, ,, 478 at 42s.			1003	16	0	
						1233 0 0
Life subscriptions : 9 at £21			189	0	0	
Less proportion required by By-Law IX. to be invested (see Balance-sheet)			126	0	0	
						63 0 0
Dividends on Russian 4 % Bond (Alexander Trust)						0 0 0
,, Consols						12 5 0
,, India 3½% Stock						22 1 0
,, Canada 3½% Stock						8 8 0
,, War Stock 5%						22 10 0
,, War Bonds 4%						6 0 0
Interest on Deposit Account at Bank						24 10 1
British Archæological Association						30 0 0
American Historical Society						16 0 0
Royal Numismatic Society						50 7 11
Japan Society						26 15 6
Sundry small receipts						12 19 7
						£1580 17 1

Expenditure.				£	s.	d.
Publications : Printing and Distributing	£476	5	6			
Editing and Indexing	25	4	0			
	£501	9	6			
Less received from Sales	28	0	11			
				473	2	7
Salaries of Director and Assistant Secretary and travelling expenses of Hon. Secretary	£330	7	9			
Wages	118	16	9			
				449	4	6
Rent of Premises, 22 Russell Square				170	0	0
Coal				14	3	6
Electric Light, Gas, etc.				13	7	6
Rates (Parochial, etc., and Taxes)				119	1	1
General Printing and Stationery				79	1	1
Library : Books, Periodicals, and Binding				31	10	3
Postages, etc.				26	1	4
Sundries (Petty Cash payments) including Painting and Repairs				124	7	1
Advertising				1	1	0
Insurance (Fire, National Health)				8	7	10
Monthly Meetings (cost of Refreshments)				15	16	2
Alexander Medal				3	15	0
				£1528	18	11
Balance, being excess of Income over Expenditure for the year ending October 31, 1920, carried to Balance-sheet				51	18	2
				£1580	17	1

ROYAL HISTORICAL SOCIETY

II.—Balance-sheet of Liabilities and Assets at October 31, 1920

Liabilities.		£ s. d.
Life subscriptions required to be invested as Capital Account (By-Law IX.): amount brought forward from last Balance-sheet	£1556 0 0	
Proportion of Life subscriptions received in 1919 (see Income and Expenditure Account)	126 0 0	
		1682 0 0
[Represented by Consols, India 3½% Stock, Canada 3½ % Stock, War Stock 5%, War Bonds 4%, and Cash on Deposit—see *contra*.]		
Alexander Trust Fund [Russian 4% Bond—see *contra*]		98 17 6
Subscriptions received in advance		20 18 0
Amount due to Aberdeen University Press, not yet paid		100 0 0
Balance, being surplus of Assets over Liabilities at date, viz., Amount brought forward from last year	£2575 17 8	
Add Excess of Income over Expenditure as shown by Income and Expenditure Account	51 18 2	
	£2627 15 10	
Deduct amount written off Consols, India, Canada, and War Stocks to approximate more nearly to current value (see *contra*)	300 13 9	
		2327 2 1
		£4228 17 7

Assets.		£ s. d.
Consols 2½%, £699 9s. 9d. valued at		314 0 0
India 3½% Stock, £900 valued at		500 0 0
Canada 3½% Stock, £300 valued at		200 0 0
Russian 4% Bond (see *contra*)		98 17 6
War Stock 5%, £450 valued at		380 0 0
War Bonds 4%, £150 valued at		148 0 0
[The current market value of the above investments, omitting the Russian Bond, is £1542.]		
Cash at Bank: Current Account	£52 17 3	
,, Deposit ,,	511 13 2	
Petty Cash Balance in hand	3 9 8	
		568 0 1
Stock of Publications at Russell Square (value as insured)		100 0 0
Stock of Publications with Aberdeen University Press (value as insured)		500 0 0
Library (value as insured)		1000 0 0
,, Manuscripts (value as insured)		100 0 0
Furniture, etc. ,, ,,		300 0 0
Subscriptions in arrear estimated to be received (see Income and Expenditure Account)		20 0 0
		£4228 17 7

(*Signed*) Henry R. Tedder, *Hon. Treasurer.*

Auditors' Report.

The above Statement of Income and Expenditure and Balance-sheet have been prepared from the Books and Vouchers, and we hereby certify the same to be correct.

(*Signed*) WM. PAGE,
J. FOSTER PALMER, } *Auditors.*
A. FORBES SIEVEKING,

16th December, 1920.

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Archives of the Department of Agriculture, Ottawa.

CAPE OF GOOD HOPE.

South African Library, Cape Town.

DENMARK.

Société Royale des Antiquaires du Nord, Copenhagen.

FRANCE.

Bibliothèque de l'Université de Toulouse, 2 Rue de l'Université, Toulouse, Haute-Garonne.
Revue des Études Napoléoniennes, 108 Boulevard St. Germain, Paris.
Société de l'Histoire de France, 60 Rue des Francs-Bourgeois, Paris.
Société d'Histoire Diplomatique, 18 Rue Vignon, Paris.
Société de l'École Nationale des Chartes, 17 Rue de la Sorbonne, Paris.
Société des Antiquaires de l'Ouest, 20 Rue de l'Est, Poitiers.

GERMANY.

Historische Litteraturgesellschaft, Friedensstrasse 11, Berlin.

HOLLAND.

Commissie van Advies voor Rijks Geschied-kundige Publicatien, The Hague.
Historisch Genootschap, Utrecht.

ITALY.

Reale Academia dei Lincei, Rome.
Reale Academia Lucchese di Scienze, Lettere ed Arti, Lucca.
R. Società Romana di Storia Patria, Rome.
Società di Storia Patria per la Sicilia Orientale, Catania, Sicily.

MEXICO.

Museo Nacional, D.F., Mexican Republic, Mexico.

NOVA SCOTIA.

The Nova Scotia Historical Society, Halifax, N.S.

PORTUGAL.

Academia Real das Sciencias, Lisbon.
Socieda de Portuguesa dos Estudos Historicos, Lisbon.

ROUMANIA.

Academia Romana, Bucharest.

SOUTH AMERICA.

Academia Nacional de la Historia, Carácas, Venezuela.

SPAIN.

Real Academia de la Historia, Calle del Leon 21, Madrid.

SWEDEN.

K. Universitets Biblioteket, Lund.
Kongl. Vitterhets Historie Antiquitets Akademien, National Museum, Stockholm.
The Royal Society of Antiquaries of Sweden, Stockholm.
The University, Upsala.

SWITZERLAND.

Allgemeine Geschichtsforschende Gesellschaft der Schweiz. Stadt. Bibliothek, Berne.
Historische und Antiquarische Gesellschaft, Basel, Sonnenweg, 15.

UNITED STATES.

The American Jewish Historical Society, c/o A. M. Friedenberg, Esq., 38 Park Road, New York.
The Smithsonian Institution, Washington, D.C.
New England Historic-Genealogical Society, 9 Ashburton Place, Boston, Mass.

The New York Historical Society, 77 St. and Central Park West, New York.
The Historical Society of Pennsylvania, 1300 Locust Street, Philadelphia, Pa.
The Massachusetts Historical Society, Boston, Mass.
The Rhode Island Historical Society, Providence, R.I.
The Virginia Historical Society, 707 East Franklin Street, Richmond, Va.
The Maryland Historical Society, Baltimore, Md.
The Minnesota Historical Society, Saint Paul, Minn.
The South Carolina Historical Society, Charleston, S.C.
The New Jersey Historical Society, West Park Street, Newark, N.J.
The New Hampshire State Library, Concord.
The Connecticut Historical Society, Hertford, Conn.
American Antiquarian Society, Worcester, Mass.
Texas State Historical Society, Austin, Texas.
Illinois Historical Society, Springfield, Illinois.
Maine Historical Society, Portland, Maine.

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